

Please note: These transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 19, 2005

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chair

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Elliot Block, Staff Counsel

Mr. Fernando Berton, Supervisor, Organics Materials  
Management

Mr. Bob Conheim, Staff Counsel

Ms. Judy Friedman, Branch Manager, Organics & Resource  
Efficiency

Mr. Bob Fujii, Supervisor, Special Waste Division

Mr. Jeff Hunts, Supervisor, Electronic Waste Recycling  
Section

Ms. Toni Jiminez, Executive Assistant

Mr. Jim Lee, Deputy Director

Mr. Chris Peck, Supervisor, Media/Outreach Services

Ms. Dorothy Rice, Department of Toxic Substances Control

Ms. Virginia Rosales, Staff

Mr. Pat Schiavo, Diversion, Planning, and Local Assistance

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Mr. Scott Walker, Branch Manager, Remediation, Closure, &  
Technical Services Branch

Ms. Shirley Willd-Wagner, Branch Manager, Electronic Waste  
Recycling Branch

Ms. Patty Wohl, Deputy Director

ALSO PRESENT

Mr. Alan Abbs, Solid Waste Director, Tehama County;  
Regional Council of Rural Counties' Environmental Services  
JPA

Mr. Mark Aprea, Republic Services

Mr. Douglas Brown, EDAW

Mr. Evan Edgar, CRRC

Mr. Jim Hemminger, ESJPA

Mr. Terry Leveille, TL & Associates

Mr. Page Painter, OEHHA

Mr. David Pigott, International Environmental Solutions

Mr. Steve Samaniego, LEA, West Covina

Mr. Coby Skye, Associate Civil Engineer, Los Angeles  
County of Department of Public Works

Mr. Scott Smithline, Californians Against Waste

Mr. Steven Sopp, Community Development Director, City of  
Avenal

INDEX

	Page
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
Pledge Of Allegiance	
III. OPENING REMARKS	1
IV. REPORTS AND PRESENTATIONS	2
V. PUBLIC COMMENT	25
VI. CONSENT AGENDA	25
VII. CONTINUED BUSINESS AGENDA ITEMS	
VIII. NEW BUSINESS AGENDA ITEMS	
Sustainability And Market Development	
1. Consideration Of The Recycling Market	27
Development Revolving Loan Program Application	
For Ag Plastics Recycle, Inc. (FY 04/05)	
Motion	28
Vote	28
2. Update On The Implementation Of SB 20/50 -	28
The Electronic Waste Recycling Act Of 2003	
3. PULLED Consideration Of An Amendment To The	
Los Angeles Area Integrated Waste Management	
Authority To Add The City of Hermosa Beach As	
A Member To The Regional Agency Agreement	
(LARA)	
4. Consideration Of A Request To Change The Base	25
Year To 2001 From The Previously Approved Source	
Reduction And Recycling Element For The City Of	
Galt, Sacramento County	
Motion	25
Vote	25

INDEX CONTINUED

	Page
5. Consideration Of A Request To Change The Base Year To 2002 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit, For The City And County Of San Francisco	25
Motion	25
Vote	25
6. Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The City Of Selma, Fresno County	25
Motion	25
Vote	25
7. Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit, For San Luis Obispo County Integrated Waste Management Authority, San Luis Obispo County	25
Motion	25
Vote	25
8. Consideration Of The Application For A SB1066 Time Extension By The City of Rancho Mirage, Riverside County	25
Motion	25
Vote	25
9. Consideration Of The Application For A SB1066 Time Extension By The City of Vista, San Diego County	25
Motion	25
Vote	25
10. Consideration Of A Second SB1066 Time Extension Application By the Unincorporated Area Of Tulare County	25
Motion	25
Vote	25

INDEX CONTINUED

	Page
Permitting And Enforcement	
11. PULLED Consideration Of A Scope of Work And Agreement With The Department Of Toxic Substances Control For Remediation, Pursuant To The Solid Waste Disposal And Codisposal Site Cleanup Program, Of The BKK Landfill, Los Angeles County (Solid Waste Disposal Trust Fund, FY 2004/05)	
12. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing And Composting Material Handling Facility) For The Mount Vernon Avenue Recycling And Composting Facility, Kern County	25
Motion	25
Vote	25
13. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Benton Crossing Landfill, Mono County	25
Motion	25
Vote	25
14. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Avenal Regional Landfill, Kings County	61
Motion	76
Vote	77
15. Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program FY 2004/2005	78
Motion	79
Vote	79
16. Consideration of Approval of Landfill Closure Loan Program Loans (Integrated Waste Management Account FY 2004/2005)	79
Motion	81
Vote	81
17. Discussion Of And Request For Direction On The Board's Role In Broader Local Enforcement Agency (LEA) And Facility Operator Training	26

INDEX CONTINUED

	Page
18. Discussion And Request For Rulemaking Direction On Noticing Revisions To The Proposed Regulations For RCRA Subtitle D Program Research, Development, And Demonstration Permits For An Additional Comment Period	26
Special Waste	
19. Informational Update On The Assessment, Management, And Performance Evaluation Of The Used Oil Block Grant Program	26
20. Consideration Of The Grant Awards For The Waste Tire Playground Cover Grant Program And Waste Tire Track And Other Recreational Surfacing Grant Program FY 2004/2005 (Tire Recycling Management Fund)	90
Motion	102
Vote	102
Motion	103
Vote	103
21. Consideration Of Scope of Work And Agreement With The California Highway Patrol To Conduct Enhanced Enforcement, Security Assistance, Education, Training, Investigative Assistance, And Surveillance For The Waste Tire Enforcement Program (Tire Recycling Management Fund, FY 2004/2005)	103
Motion	104
Vote	105
22. Consideration Of Adoption Of Negative Declaration And Approval Of The Beebe Family Ranch Waste Tire Site Remediation Project	105
Motion	115
Vote	116
23. Consideration Of Adoption Of Proposed Emergency Regulations And Request For Rulemaking Direction To Formally Notice Amendments To The California Uniform Waste And Used Tire Manifest System	116
Motion	121
Vote	121

INDEX CONTINUED

	Page
24. Consideration Of The Grant Awards For The Waste Tire Enforcement Grant Program For FY 2004/2005 (Waste Tire Recycling Management Fund)	121
Motion	123
Vote	123
Other	
25. PULLED Consideration of Updated List of Delegations; Additional Delegations; and Process for Streamlined Staff Consent Agenda Items	
26. Consideration Of Priority Activities For Next Eighteen Months (Action Plans)	126
27. Consideration of Scope of Work for Recycled-Content Materials Marketing Contract (Integrated Waste Management Account and Waste Tire Recycling Management Fund/Multi-Year Funding)	151
Motion	157
Vote	157
28. Reconsideration Of Conversion Technology Report To The Legislature	158
29. Consideration Of A Resolution To Work In Partnership With The Department Of Toxic Substances Control Towards The Remediation Of The BKK Landfill Storm Drain System	81
IX. BOARD MEMBERS COMMENT	
X. ADJOURNMENT	212
XI. REPORTER'S CERTIFICATE	214



1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. Welcome to our  
3 April meeting of the California Integrated Waste  
4 Management Board. I think everybody here has been here  
5 before. Just in case you have not, please turn off your  
6 cell phones. We know you're very, very important, but we  
7 don't want to know who's calling you. There is  
8 information and speaker slips in the back.

9 And we're waiting for a Pope to be named, so  
10 we're trying to not start this on time, but we may take  
11 another few minutes. So apparently they have already  
12 decided that -- yeah, they selected a Pope, but we don't  
13 know who that is. Since we tend to start on time, we are  
14 here, awaiting. So someone let me know who the Pope is  
15 before the meeting is over, that would be nice.

16 Welcome, everybody.

17 Madam Secretary, could you please call the roll?

18 EXECUTIVE ASSISTANT JIMENEZ: Peace?

19 BOARD MEMBER PEACE: Here.

20 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

21 BOARD MEMBER MULÉ: Here.

22 EXECUTIVE ASSISTANT JIMENEZ: Washington?

23 BOARD MEMBER WASHINGTON: Here.

24 EXECUTIVE ASSISTANT JIMENEZ: Marin?

25 CHAIRPERSON MARIN: I'm here, too.

1           Mr. Washington, would you please lead us in the  
2 Pledge of Allegiance?

3           (Thereupon the Pledge of Allegiance was  
4 recited in unison.)

5           CHAIRPERSON MARIN: Okay. Are there any ex  
6 partes?

7           Ms. Peace.

8           BOARD MEMBER PEACE: I'm up to date.

9           BOARD MEMBER MULÉ: I'm up to date.

10          BOARD MEMBER WASHINGTON: I'm up to date.

11          CHAIRPERSON MARIN: So am I. Great.

12          We had a great and busy, busy month. So you want  
13 to start with what's going on, Ms. Peace. What did you do  
14 all this month? I know you were very busy.

15          BOARD MEMBER PEACE: I think we all were. And  
16 staff was very busy also with everything going on.

17          On March 23rd, I had a very exciting site visit  
18 to International Environmental Solutions in Riverside  
19 County. This is a new pyrolysis testing facility that has  
20 gotten its Air Board permit. They do testing on all  
21 different kinds of waste streams, from organics to sewage  
22 sludge to preprocessed MSW.

23          What was interesting is that the facility will  
24 also be testing such things as pharmaceuticals as a way to  
25 destroy expired drugs. They claim this pyrolysis facility

1 can take contaminated soil and decontaminate it. They'll  
2 be testing this also. And they have been working with the  
3 Drug Enforcement Agency to do testing on illegal drugs and  
4 even the drug making equipment and paraphernalia that is  
5 confiscated in drug raids that needs to be destroyed.

6 This facility is testing the exact emissions that  
7 the local Air Quality Management District would be  
8 monitoring if it were operating regularly. So this  
9 facility has a capacity to take in 250 tons of waste a  
10 day. And what comes out is energy and less than 20 tons  
11 of residual that would need to be disposed in landfill.  
12 Here, we will finally be getting some conversion  
13 technology data from California.

14 I understand that U.C. Riverside will also be  
15 analyzing and presenting the data to the Board. I'm very  
16 anxious to see what the testing results are in terms of  
17 the air emissions and the solid residue.

18 On March 24th, I provided the opening remarks at  
19 a RAC seminar hosted by our Southern California RAC Tech  
20 Center in Alhambra. There were approximately 40 people  
21 there, mostly public works personnel who were interested  
22 in learning more about RAC. So this is exactly what these  
23 seminars are intended to do, to draw in those people.

24 So there was a public works engineer there from  
25 the City of Los Angeles who said he'd be interested in

1 working with the Board to do a RAC project in the city.  
2 Now, that is a big deal. Because while the County of  
3 Los Angeles mans our Southern California RAC Tech Center  
4 and lays RAC throughout the county, the City of  
5 Los Angeles has been very hesitant to do so. So this was  
6 very encouraging, as there are 6,000 lane miles of road in  
7 the city of Los Angeles.

8           On April 5th, I gave the opening remarks at the  
9 Tire Conference in Ontario. There were informational  
10 sessions on everything from border issues and product  
11 stewardship, to RAC and civil engineering applications, to  
12 grants, enforcement issues, and the new manifest system.

13           I would like to thank our Tire staff and  
14 especially Diane Nordstrom-Lamkin for all their work.  
15 There's so much effort and organization that goes into  
16 pulling off an event like that.

17           On April 6th, along with Carl Washington, I gave  
18 some opening remarks at the 6th Annual Environmentally  
19 Preferable and Recycled Product Trade Show, also in  
20 Ontario. I got to hold a check for \$1.2 million  
21 representing the RAC grants that we awarded for the fiscal  
22 year 04-05. The city officials for Ontario accepted the  
23 check on behalf of the 61 cities and counties across the  
24 state that qualified for our grant money to help them fund  
25 their RAC projects. I would like to thank Patty Wohl and

1 Jerry Hart and all the others involved in the Trade Show  
2 for a job well done.

3 That concludes my report.

4 CHAIRPERSON MARIN: Thank you.

5 Ms. Mulé, I know you were also pretty busy.

6 BOARD MEMBER MULÉ: Yes. Thank you, Madam Chair.

7 On March 23rd, I toured some facilities in San  
8 Jose, the Zanker Road C&D Processing Facility in San Jose.  
9 And most interestingly was the Z-Best Composting Facility  
10 where they basically take wet waste and mix solid waste  
11 and actually compost it and then pull the non-organics,  
12 such as plastics, out of it and make a soil amendment out  
13 of it. And it truly is amazing to see what they do. And  
14 I'd strongly encourage our other Board members if you  
15 haven't been there to go and see it.

16 On March 24th, I visited the International  
17 Environmental Solutions Facility in Romoland. And Ms.  
18 Peace did such a great job of explaining what they do, I  
19 don't need to repeat it. But, again, it's very  
20 interesting to see this pyrolysis facility taking so many  
21 different types of materials and processing it. And,  
22 again, working with the Air Board and testing that to see  
23 what types of emissions are coming out of that. And so at  
24 least we will have some type of emissions data for some  
25 type of facility here in California, which is very

1 exciting.

2           On March 29th, I joined you, Madam Chair, in the  
3 joint workshop, the Solid Waste Fire Workshop, that our  
4 P&E group held in conjunction with the State Fire Marital.  
5 And I was very pleased to see that we are collaborating  
6 with them and going to hopefully develop either some joint  
7 regulations or some processes to work with them on our  
8 solid waste and recycling facilities.

9           On April 1st, I toured the city of Chula Vista's,  
10 their solid waste and recycling facilities in a hydrogen  
11 vehicle, I might add. I toured the Oti Landfill and the  
12 Pacific Waste facilities as well.

13           At April 5th, I was at the Waste Tire Management  
14 Conference. And staff did a great job of putting on what  
15 I thought it was a very, very informative conference.  
16 Some really good sessions. Thank you, Jim, to you and  
17 your staff for putting that on.

18           Then on the 7th, I was at the Environmentally  
19 Preferred Recycled Products Trade Show in Ontario in the  
20 morning.

21           And in the afternoon, I attended the southern  
22 workshop in Diamond Bar for the AB 1497 rule making. And  
23 there were about 50 attendees at that workshop. The  
24 purpose of the workshop was to get input from our  
25 stakeholders prior to developing the regs for 1497. And,

1 again, I think it's a great process. And again, Howard, I  
2 want to commend you, Mark de Be, and staff on a job very  
3 well done. I was very, very impressed with the whole  
4 process.

5 Then on April 12th, I was here for the Disposal  
6 Reporting System Workshop.

7 On April 14th, I joined the Chair in the regional  
8 and international town hall meeting in San Diego.

9 And on April 15th, I toured the Palomar Transfer  
10 Station in Carlsbad.

11 And that concludes my report, Madam Chair.

12 CHAIRPERSON MARIN: That was a full busy month.

13 Mr. Washington.

14 And excuse me. What did you do on April 6th?

15 BOARD MEMBER MULÉ: Oh, that's right. We had a  
16 hearing, didn't we?

17 CHAIRPERSON MARIN: Small hearing. Minor hearing  
18 we attended.

19 BOARD MEMBER WASHINGTON: Looks like you guys  
20 made it out safely. That's a good thing.

21 Thank you, Madam Chair.

22 On March 24th, I also, with Ms. Peace, attended  
23 the RAC seminar in Alhambra. Those folks are doing an  
24 excellent job down there trying to bring people together  
25 really to deal with the tires in the county of

1 Los Angeles. And I really enjoyed hearing Cheryl's speech  
2 she gave to the folks and talking about RAC. She's really  
3 into this thing with those folks and the RAC area.

4 April 6th, I attended the Trade Show, likewise,  
5 which Cheryl gave all that money away to those folks down  
6 there. And it was great.

7 And then I went over to the Tire Management  
8 Conference, which was excellent. I sat with Deputy  
9 Director Lee and had a chance to hear from the folks from  
10 Arizona who are doing an excellent job with the tires in  
11 Arizona. And I really think they're on the right track at  
12 addressing the issues of tires on roadways. And the  
13 presentations were excellent with those tires. And the  
14 amount of tires they're using rather than spending money  
15 they're using themselves and, you know, impressed me with  
16 the type of resources.

17 And then on April the 12th, I attended the City  
18 Council meeting for Gardena to get an update on how they  
19 were doing. I met with staff first and talked with them,  
20 and they're very happy with their progress. And we're  
21 waiting for the May 15th report, the quarterly report to  
22 come out to make sure they're on the right track. And I'm  
23 looking to going back to Arvin down in Kern County again  
24 to see how they're doing. Those are some of the cities I  
25 really want to make sure that we gave them an opportunity



1 to do a good job and want to see how they were doing.

2 And that concludes my report.

3 CHAIRPERSON MARIN: Great. Thank you, Mr.

4 Washington.

5 And I attended a number of things with my  
6 colleagues, I won't go into that. I just will tell you  
7 that on March 28th I went to Pride Industries here nearby  
8 Sacramento. And that's a very interesting program. This  
9 is an organization that utilizes the resources of people  
10 with developmental disabilities. And they have a number  
11 of facilities that people with disabilities then are able  
12 to help in recycling all of the different materials. It  
13 was really nice.

14 I'm very, very happy. You know, there's a  
15 special place in my heart, because we have two things that  
16 I really love; people with disabilities, and now my second  
17 love is recycling. So to put them together in a facility  
18 is really wonderful for me. So I think we just gave them  
19 a contract. Who went with me besides Kyle? We gave them  
20 a contract, and it was so amazing.

21 And I was right there with them recycling as  
22 well. And it's funny because I was doing something  
23 without gloves. And here comes a person with  
24 developmental disability comes in and tells me, "You're  
25 supposed to be wearing gloves." Now OSHA is going to be

1 after me. I'm ruining their program, because I'm not  
2 wearing the right equipment, if you will.

3 But it's amazing, you know. And it was a person  
4 of a developmental disability that came in and said, "You  
5 ought to be wearing your gloves." And I'm like okay. So  
6 I'll talk to the feds and let them know it's okay, just  
7 one little minor infraction on my part. Here's the Waste  
8 Board Chair infringing upon that.

9 Anyways, on March 29th, we attended the Fire  
10 Workshop. That was amazing. And we had the Fire Marshal  
11 here as well. Really important. And I want to thank  
12 everybody that put it together, Howard, and who else? Jim  
13 and everybody that put it together.

14 Then I did some PSAs for the National Tire Safety  
15 Week, some radio spots. And I hope they're being played  
16 somewhere.

17 Then on April 1, I visited the IRS Demolition  
18 Site in South Gate. And that was really amazing. And I  
19 just hope -- I just remember -- Patty, it's the IRS  
20 Company that I was telling you about that I don't know  
21 whether they work with CalMAX. Maybe they do. But if you  
22 don't, you need to talk to them.

23 I also visited an e-recycling facility in  
24 Paramount, and that was also amazing how people are able  
25 to just undo the TVs and the computers and so fast. I

1 know it takes a lot longer to put it all together, but  
2 taking it apart, it's much quicker.

3 And I also visited CWS, a recycler in Gardena,  
4 California. So that's a really interesting site as well.

5 I attended on April 4th the Senate Budget hearing  
6 for us. And we came out with all of our money, which is  
7 really good.

8 Then I was with all of you at the Waste Tire  
9 Management Conference in Ontario. Excellent conference.  
10 We just wish there would be a little bit more people  
11 coming to this, so we're going to have to rethink about  
12 the location. Ontario is a very fine city, but it's not  
13 drawing as many people as we think they should.

14 What was good, and I really like the fact, the  
15 combination of the Tire and the Recycling Conference. I  
16 think that that was a big draw. We may want to think of  
17 instead of having it three days, maybe two days with two  
18 of them. We need to better improve it.

19 After April the 6th, which was our confirmation,  
20 I went to Disneyland, and she went to the Trade Show.  
21 What can you say, you know. When people ask me after my  
22 confirmation, "So Rosario, where are you going?" I said,  
23 "I'm going to Disneyland. " Actually, I attended the  
24 Environmentality awards, and it was a wonderful ceremony.

25 Thank you, Joanne. Thank you for taking me to

1 Disneyland after a grueling hearing.

2 But we had an amazing program.

3 And this is Disneyland that, throughout the entire state,  
4 they challenge elementary schools to come up with programs  
5 that take care of the environment. And there's hundreds  
6 of schools that participate in that program. And one  
7 classroom, one class is selected, and these kids -- there  
8 were 29 kids. Every one of them new about things that I  
9 didn't know about. The teacher did an extremely wonderful  
10 job. And then they had a parade for them. And we had the  
11 Secretary of Resources, the Secretary of Agriculture. We  
12 had the Superintendent of Public Instruction. And I was  
13 actually representing the Secretary of EPA. But it was  
14 really, really amazing.

15 And, Joanne, thank you for taking us there and  
16 being a part of that wonderful program. I'm sure you want  
17 to say more about that.

18 Then we had a wonderful DRS workshop. Pat, I  
19 don't know if you're going to say anything about that.  
20 But during our Sustainability and Markets meeting, we  
21 actually had a workshop for the DRS regulations. And I  
22 think we're moving ahead with that very nicely.

23 We went on April the 13th to a reception for our  
24 Secretary in San Diego.

25 And then on April the 14th, I attended the CalePA

1 town hall meeting in San Diego at the Natural History  
2 Museum. And the Secretary, it was actually the first town  
3 hall meeting he's holding throughout the state. And it  
4 was issues mainly related to the border issues, a lot of  
5 water issues, the environment, because it was held in  
6 San Diego. So it was a listening session that I think was  
7 pretty informative. I think it enlightened -- I know it  
8 enlightened me a lot. But we had some issues and a strong  
9 desire to see them with a resolution that would be good  
10 for the state of California, and certainly for the border  
11 region. So that was very good.

12 Well, that's about all the great things that we  
13 did this month.

14 I want to now do something special for somebody  
15 that is not going to be with us for a while usually on the  
16 public --

17 BOARD MEMBER WASHINGTON: Madam Chair, just  
18 before you go into that, let me will mention -- I didn't  
19 mention -- I did an unannounced visit to La Montaa. It's  
20 unbelievable. Unbelievable. I went over the next street  
21 and went to their apartment building. And I remember when  
22 I first saw that, I went to that apartment building, you  
23 couldn't see over -- those folks are -- the lady started  
24 crying. They could not believe that that mess was gone.  
25 That's what she said. "That mess is gone." So that was

1 really, really -- it was so heart touching to see how they  
2 were so happy to be able to look over at Alameda now. It  
3 was incredible. And I forgot to mention I went over there  
4 on the 16th for an unannounced visit. It was incredible.

5 CHAIRPERSON MARIN: I'm sure somebody else will  
6 tell us more about that, but that is really, really  
7 awesome.

8 Let me share with you, we are going to be  
9 commending a very fine gentleman who has done an  
10 incredible job. He's the Program Director for the Rural  
11 Counties' Environmental Services Joint Powers Authority  
12 for the past five years. The ESJPA is composed of 22  
13 member counties that comprise roughly 30 percent of the  
14 state's land mass and about 3 percent of the state's  
15 population. Prior to that, he was a Deputy Director of  
16 Public Works for Calaveras County for about ten years.

17 Some of the things that he helped do was  
18 implement numerous used oil, tire, and household hazardous  
19 waste programs in the member rural counties via the CIWMB  
20 grant funds. He assisted with the construction and  
21 permitting of numerous agricultural used oil centers. He  
22 helped implement mobile household hazardous waste  
23 collection events in a number of rural counties. He  
24 interacted regularly with us on regulatory issues  
25 pertaining to the rural countries. He assisted with rural

1 county landfill operator training programs, facilitated  
2 increased interaction with the Board, program staff, and  
3 the member counties through regular meetings. He is, in  
4 fact, considered the voice for the rural counties. And  
5 he's going to bigger and better things. We are going to  
6 miss him dearly. And we thought we would prepare a small  
7 commendation from the Board. All of us signed that. And  
8 if I may, I'm going to read it and then present it to him.

9 "Whereas, this commendation to Jim Hemminger.

10 "Whereas, the Integrated Waste Management Act  
11 requires local agencies to develop and implement  
12 programs to divert usable resources away from  
13 landfills and encourage the formation of regional  
14 waste management programs; and

15 "Whereas, Jim Hemminger, as a Director of the  
16 Rural Counties' Environmental Services Joint  
17 Powers Authority, has been instrumental in  
18 assisting its 22 member counties comprising 30  
19 percent of the state's land mass to comply with  
20 the requirements of this Act; and

21 "Whereas, Jim consistently strived to  
22 increase the member county's participation in the  
23 Board's Used Oil, Household Hazardous Waste, and  
24 Tire Grant Programs to ensure his materials were  
25 best managed to protect human health and the

1 environment; and

2 "Whereas, Jim and his staff have helped to  
3 implement these grants on a regional basis in  
4 counties that are traditionally understaffed and  
5 would have had difficulty implementing this  
6 mission, critical programs, without ESJPA's  
7 expertise; and

8 "Whereas, Jim was instrumental in assisting  
9 with the proliferation of landfill operator  
10 training in rural countries; and

11 "Whereas, Jim worked tirelessly, while  
12 wearing his white shirt, tie, and blue jeans to  
13 ensure that collective voice of the member  
14 counties was represented and will continue to be  
15 represented before the California Integrated  
16 Waste Management Board; and

17 "Whereas, Jim, on retiring from ESJPA from  
18 numerous years of interaction with the Board,  
19 will be gone, but never forgotten.

20 "Now, therefore be it resolved, that the  
21 members of the California Integrated Waste  
22 Management Board commend Jim Hemminger for his  
23 commitment to the rural counties and for his  
24 dedication to advancing the goals and policies of  
25 the Board, and wish him well in his retirement



1           and all future endeavors."

2           And it's signed by all four of us. So Jim, would  
3 you please come up and get it.

4           (Applause)

5           MR. HEMMINGER: Very overwhelming. I just want  
6 to say thank you very much to the Board and certainly  
7 accept this on behalf of all our rural counties. I have  
8 had the chance to work with many, many, many of the staff  
9 at the Waste Board over the years. And I have to tell  
10 you, the folks from the line staff working directly with  
11 the counties on up, I think in many respects staff and the  
12 Waste Board itself really represent, to me, an ideal model  
13 of regulatory enforcement within our rural counties.

14           We often look for our goals to see how far we are  
15 from where we're getting. But it's good sometimes to look  
16 back to see what we've achieved. I know in the rural  
17 counties, we had recycling rates of 7 or 8 percent before  
18 AB 939. And right now we're probably collectively pushing  
19 up to the mid or low 40s. If we would have ever gotten  
20 Pat's group to give us diversion credit for the use of  
21 used appliances as lawn ornaments, I think we would have  
22 been near 50 percent. But, anyway, thank you very much.  
23 It means very much to me, thank you.

24           (Applause)

25           BOARD MEMBER WASHINGTON: Madam Chair, I would

1 just like to add and I want to say to Jim, thank you so  
2 very much for your representation of rural counties. He's  
3 done an excellent job in my three years here at this Board  
4 representing the rural counties, making sure their issues  
5 are brought to this Board and addressing concerns for  
6 rural counties. And, again, I want to commend him for a  
7 job well done.

8 CHAIRPERSON MARIN: Thank you, Jim.

9 I guess we do have a Pope, huh. I'm going to  
10 make this -- if I get it correctly. It's Pope John  
11 Benedict, XVI. Do you know who it was? Ratzinger.

12 BOARD MEMBER WASHINGTON: They wouldn't allow me  
13 to come down to the Vatican. I don't know what the  
14 problem was. I wasn't running for anything. I was just  
15 trying to go down there to see what was going on, but they  
16 told me to stay home.

17 (Laughter)

18 CHAIRPERSON MARIN: We're not going to be accused  
19 of State and religion. But it is a world event. So if it  
20 was the World Cup, we would be announcing who the winner  
21 was; right?

22 So anyways, let's see. We're going now into our  
23 report from our fearless Executive Director.

24 EXECUTIVE DIRECTOR LEARY: Fearful, maybe.

25 Thank you, Madam Chair. And thank you, Members.

1 Good morning.

2 Jim, what a complement to have your commendation  
3 followed by a discussion of the new Pope. I mean, there's  
4 some similarity there, I think. But on behalf of the  
5 staff of the Board, I'd like to add my own two cents, that  
6 we have the pleasure of working with an awful lot of very  
7 talented, very qualified people as staff of this Board.  
8 And many of them are here in the audience today. But  
9 among the best and one of the nicest guys to work with, of  
10 course, is Jim Hemminger. So if I could just add my  
11 commendations on behalf of the staff of this organization.  
12 The guy is a treat to work with, and we're going miss him  
13 also.

14 Back to the business of the Board. We'll begin  
15 this morning, as I traditionally do, with a brief  
16 enforcement item required under our regulations, and that  
17 is the stipulated agreement idea acting in its capacity as  
18 the enforcement agency for Stanislaus County.

19 You have to listen closely to this one. There's  
20 a little hint of humor that my staff threw into this one.  
21 See if you catch it.

22 Acting in its capacity as the enforcement agency  
23 for Stanislaus County -- that's an acknowledgement I don't  
24 write my own stuff. Particularly in this case, I'm  
25 distancing myself from these paragraphs.

1           Board staff approved the stipulated agreement  
2 from the operators of the Fink Road Landfill to  
3 temporarily permit from May 14th to May 18th animal waste  
4 diverted from the Central Modesto Tallow Plant, which had  
5 experienced an unexpected equipment failure. Howard can  
6 answer any questions if you have any, but it was really  
7 just offal, o-f-f-a-l. I don't write this. And with your  
8 blessing, we will forbid Chris Peck from trying to write  
9 any humor into these things again.

10           In a more serious matter, we all agree the health  
11 and safety of our staff is of utmost importance. As you  
12 all know, there's been some recent field incidents that  
13 have caused us to be more concerned about staff's safety.  
14 In response, we've undertaken an extensive review of the  
15 Board's Health and Safety Manual, which outlines our plans  
16 and procedures to comply with the Cal-OSHA regulations.  
17 The manual includes our plans for injury and illness  
18 prevention, office emergency and crime prevention, field  
19 health and safety, respiratory protection, and office  
20 ergonomics.

21           In consultation with Diane Kihara, our Health and  
22 Safety Officer, we determined that the manual needs some  
23 revision to include a component addressing workplace  
24 violence prevention measures for our field staff. As a  
25 start, the Permitting and Enforcement Division health and

1 safety program has arranged for a CHP-taught training  
2 class on April 26th for our field staff, with the goal of  
3 helping staff better prevent or deal with dangerous  
4 situations. I will keep you posted on other efforts as  
5 they develop, including the roll-out of revisions to the  
6 Health and Safety Manual.

7           And then although Board Member Washington has  
8 already stole my thunder, I'm very pleased to report the  
9 Board's cleanup of the Aggregate Recycling Systems site,  
10 La Montaa in Huntington Park, has been completed. The  
11 last load of debris was removed around 10:30 on the  
12 morning of April 4th. It was the 7,101 first truckload of  
13 material hauled off the site. This, we believe, is the  
14 probably the largest cleanup ever undertaken by the Board,  
15 and it really went off without a hitch.

16           I would like to recognize the outstanding work of  
17 our staff in this effort, in particular, Jeff Cornette.  
18 We are in communication with the City and Senator  
19 Escutia's office about the potential for a small  
20 commemorative celebration in the community which will most  
21 likely be held on a Saturday in early May.

22           And on a final note, at some point in the future,  
23 there will be some additional demolition work on the site.  
24 However, decision to proceed with that activity will  
25 entail a request from the receiver to the court.

1           You've all reported on your many activities that  
2 first week in April. It was a very busy week, probably  
3 the busiest I've been a part of since I've been here at  
4 the Board. I'd like to add my two cents by thanking you  
5 all, the Board members of the organization, for your  
6 participation and leadership of staff in those events. We  
7 very much appreciate your participation and your positive  
8 feedback to staff. And I'd like to add my own two cents  
9 to thank staff for putting on, once again, a fabulous job.

10           And then lastly, I'd like to touch on the budget.  
11 As Board members have asked, you'd like a routine  
12 reporting on my report part about how we're doing in  
13 regards to our expenditures. The past several months  
14 you've been receiving budget updates in a variety of ways,  
15 maybe agenda items as well as individual briefings. Late  
16 last year, you heard an item on the status of the Oil  
17 Fund, and you are all very well versed in the status of  
18 the Tire Fund as a consequence of your recent focus on the  
19 Five-Year Plan.

20           You will hear an item later today on the status  
21 of the e-waste program. And I will update you on the  
22 e-waste fund next month when we hope to have some  
23 information on revenue, as the first payments are due into  
24 the e-waste fund on April 30th.

25           As you know, the Board has nine special funds,

1 totaling approximately \$150 million in expenditure  
2 authority this current year. Next year, our expenditure  
3 authority is proposed to reach \$190 million, as we will  
4 receive for the first time a full 12 months of e-waste  
5 revenue.

6 Through February of this year, the last months  
7 for which we have complete data, our revenue fee accounts,  
8 IWMA, Oil, and Tire, remain consistent with budget  
9 projections. The Integrated Waste Management Account is  
10 the Board's main operating account, and 61 percent of our  
11 authority is expended, which is about 4 percent less than  
12 projected. So we're right on target, just slightly under.

13 Our salary expenses are on target, with an  
14 expenditure rate of about 65 percent, and our average  
15 vacancy rate is 5 percent.

16 Travel and general expenses are slightly under  
17 projections. About 62 and 63 expenditure rates,  
18 respectively. Because of the General Fund shortfall, we  
19 anticipated that increases in salaries and retirements  
20 would not be funded. Therefore, we set aside some  
21 discretionary funds to cover that early in the year.  
22 Ultimately, we did receive increased expenditure authority  
23 from Finance to fully fund these items. In addition,  
24 knowing that the Board was working towards setting new  
25 priorities and with the possibility the IWMA funds might

1 be needed for BKK closure, I decided to hold off on  
2 bringing the allocation discussion forward until we had  
3 our action plans finalized and a clear funding strategy  
4 for BKK.

5           Consequently, we have about 1.2 to \$1.5 million  
6 in discretionary C&P monies available. Of this amount,  
7 \$200,000 is proposed to cover the expanded marketing  
8 contract, Agenda Item 27 on our agenda. Executive staff  
9 proposes to request further allocation of the remaining  
10 funds in the Board's priority action plans next month. As  
11 you know, I'll be reporting on those priority activities  
12 later on in today's agenda.

13           With that, Members and Chair, I conclude my  
14 report.

15           CHAIRPERSON MARIN: Thank you, Mr. Leary.

16           I would like to add two things. One, while Jim  
17 is leaving us, and we're very, very sorry to see him go,  
18 we know that he's leaving Mary Pito behind. And we're  
19 very grateful. And I would just tell my colleagues that  
20 Mary has, with Jim, worked to put together a rural tour  
21 for me. So I think next week we are going to be hitting  
22 eight counties. I'm going to be going to all of these  
23 wonderful counties up north. And Mary is the leader of  
24 that. So thank you so very much, Mary. I think Alan is  
25 -- thank you, Alan. You are also going to be working with



1 Mary and Stacy. Thank you so very much. We appreciate  
2 the work that Jim has done. We're only grateful he's  
3 leaving really wonderful staff behind. And we look  
4 forward to working with all of you.

5 Okay. With that, we'll go on to public comment.  
6 At this point in time, if there is anyone that is in need  
7 to address the Board on items not related to the agenda.  
8 This is the time to address the Board on anything that's  
9 not related to the agenda, seeing no one, we will move on.

10 We will move on to the next item, which is the  
11 consent calendar. And the consent calendar includes Items  
12 4 revised, 5, 6, 7 revised, 8, 9, 10 revised, 12, and 13  
13 revised.

14 Does anybody wish to remove any items from the  
15 consent calendar? Okay. Then is there a motion to  
16 approve?

17 BOARD MEMBER MULÉ: Move approval of the consent  
18 agenda.

19 BOARD MEMBER WASHINGTON: Second.

20 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
21 by Mr. Washington.

22 Call the roll, please.

23 EXECUTIVE ASSISTANT JIMENEZ: Peace?

24 BOARD MEMBER PEACE: Aye.

25 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT JIMENEZ: Washington?

3 BOARD MEMBER WASHINGTON: Aye.

4 EXECUTIVE ASSISTANT JIMENEZ: Marin?

5 CHAIRPERSON MARIN: Aye.

6 Let me just run through the agenda itself.

7 Item Numbers 3, 11, and 25 have been pulled.

8 Items 17, 18, and 19 were heard in the Committee  
9 only.

10 Items 1, 15, 16 revised, 20, 21 revised, and 24  
11 revised are recommended for fiscal consent. But we will  
12 hear each one individually and vote on each one.

13 And the rest of the items will then be heard by  
14 the full Board.

15 That then leads us to the first item of business,  
16 which will be the Sustainability and Market Development  
17 Committee. And we had a really wonderful Committee that  
18 day. We had a few items that we're going to now actually  
19 deal with. And after that Committee, that's when we had  
20 the DRS workshop. So most of the items were on consent.  
21 And we're only going to have a couple of items.

22 Patty, you want to go through the items now.

23 DEPUTY DIRECTOR WOHL: Yes. Good morning, Madam  
24 Chair, Board members. Patty Wohl with the Waste  
25 Prevention and Market Development Division.

1           Agenda Item 1 was on fiscal consent. It's  
2   Consideration of the Recycling Market Development  
3   Revolving Loan Program Application for Ag Plastics  
4   Recycle, Incorporated.

5           This is a loan in the amount of \$275,000 to Ag  
6   Plastics Recycle. It is to finance the purchase of  
7   machinery and equipment for manufacturing linear  
8   low-density polyethylene and medium-density polyethylene  
9   and turn that into plastic flake. They take postconsumer  
10   drip irrigation hoses and tapes and recycle that.

11           This item received consensus at the Committee.  
12   Staff recommends that the Board approve Option Number 1  
13   and adopt Resolution Number 2005-104. And staff's  
14   available if there's any questions.

15           CHAIRPERSON MARIN: Okay. We had a wonderful  
16   presentation. I don't know if the gentleman is here  
17   today.

18           DEPUTY DIRECTOR WOHL: I don't think he is.

19           CHAIRPERSON MARIN: He gave a wonderful  
20   presentation about what he's attempting to do, and we  
21   wholeheartedly support his success. I think that gets us  
22   closer to our own diversion goal.

23           So with that, is there a motion for approval of  
24   Resolution 2005-104?

25           BOARD MEMBER MULÉ: Move approval.

1 BOARD MEMBER WASHINGTON: Second.

2 CHAIRPERSON MARIN: Moved by Mulé, seconded by  
3 Washington.

4 Without objection, that will be the unanimous  
5 desire of this Board.

6 Okay. Next one.

7 DEPUTY DIRECTOR WOHL: That leads us to Agenda  
8 Item 2, Update on the Implementation of SB 20/50, the  
9 Electronic Recycling Act of 2003. And Shirley  
10 Willd-Wagner will present.

11 CHAIRPERSON MARIN: Thank you, Shirley.

12 (Thereupon an overhead presentation was  
13 presented as follows.)

14 BRANCH MANAGER WILLD-WAGNER: Good morning, Madam  
15 Chair and Board members. Shirley Willd-Wagner, Manager of  
16 the Electronic Waste Recycling Program.

17 Once again, we thought it was time to circle back  
18 with you and give you an update, describe some of the  
19 things that are going on, as well as some of the  
20 challenges we're facing in the program.

21 --o0o--

22 BRANCH MANAGER WILLD-WAGNER: We've been working  
23 closely with DTSC, Department of Toxic Substances Control,  
24 to implement this major act and all of the requirements.

25 Wanted to mention and acknowledge, just in case

1 you have any questions later, Peggy Harris is in the  
2 audience, and wanted to acknowledge all her staff for  
3 contributing as well. She's got their part. We've got  
4 our part, but we're working very closely together. It's  
5 one of the nice benefits of this CalEPA building, only two  
6 floors away.

7           The purpose of today's item really is to give you  
8 some of the status on the fee collection, BOE activities,  
9 collector and recycler approvals, the recycler payments,  
10 where is the money. What's it all about. We wanted to  
11 summarize the workshop we held last week on April 8th here  
12 at the CalEPA building and describe some of the challenges  
13 we expect to face.

14                               --o0o--

15           BRANCH MANAGER WILLD-WAGNER: As staff is kind of  
16 going in circles and cycling around here trying to deal  
17 with all the details of this Act, every so often we have  
18 to sit back and think about what the real intent of the  
19 law was. And so I just wanted to kind of put that as a  
20 background here for today's presentation.

21           The real intent of the Act is to help provide  
22 financial relief to local governments, to provide that  
23 cost-free opportunity -- you've heard that cost-free and  
24 convenient opportunity for consumers to actually collect  
25 and recycle their covered electronic devices; to reduce

1 and hopefully eventually eliminate the stockpile of waste  
2 computers and televisions that are stored in all of our  
3 garages, reduce and prevent illegal dumping, which circles  
4 back to helping local government so they don't to have pay  
5 to cover the costs of illegal dumping; and eventually to  
6 decrease the amount of hazardous materials in the covered  
7 products.

8 --o0o--

9 BRANCH MANAGER WILLD-WAGNER: So show us the  
10 money. As Mark mentioned, we should be getting funding  
11 from the fee fairly soon here. You all know that the fee  
12 collection began January 1st. There's about 3,300  
13 registered retailers right now representing over 11,000  
14 locations. We believe we've got the majority of the  
15 market share participating. There's actually a meeting  
16 some of our staff are at right now at Board of  
17 Equalization, and this is moving along pretty well, too.

18 BOE has actually taken some efforts to try to  
19 reach out to those. We're not sure we have the smaller  
20 players. A lot of the small retailers we're still getting  
21 phone calls from people that don't understand the law,  
22 don't know anything about it. BOE has tried to reach out  
23 to these retailers by sending some fee returns. We don't  
24 know how many of those will register or not. But we are  
25 getting a lot of phone calls, a lot of people having

1 questions. "I don't sell these things. What's this  
2 about?" At least we're getting more awareness.

3 We need the loan to help us get through this  
4 period, because the first quarter returns we do expect to  
5 be a little bit lower than other quarters, simply because  
6 sales after the holidays are not as high, and perhaps  
7 because some people are not aware of the program. As Mark  
8 mentioned, we'll receive the funds mid to late May and  
9 have a lot more certainty at that time so we know what the  
10 fund condition might be.

11 --o0o--

12 BRANCH MANAGER WILLD-WAGNER: Update on the  
13 collectors and recyclers. You can see, 204 approved  
14 collectors, and 32 approved recyclers and dual entities.  
15 The recyclers need to be inspected by the Department of  
16 Toxics and found in conformance with laws and regulations.  
17 The collectors simply have to notify the Department of  
18 their handling of materials. The approval is good for  
19 two years.

20 And then the next two bullets explain the flow.  
21 Recyclers submit payment claims to us along with  
22 collection documentation. And we're going to turn around  
23 and pay the recyclers, who have to pay the approved  
24 collectors. So, basically, it's a flow situation.  
25 Recycler submits the documentation to CIW -- and the

1 collector submits it to the recycler. The recycler  
2 submits it to CIWMB. Money goes just the opposite: The  
3 Board, to the recycler, to the collector.

4 --o0o--

5 BRANCH MANAGER WILLD-WAGNER: Okay. We  
6 absolutely recognize that this is a complex law. It's a  
7 complex program, brand-new emergency regulations that  
8 we're all learning to deal with. And it probably will  
9 impact some of the business practices of our partners  
10 throughout the state. Because of that, we're really  
11 committed to assisting our stakeholders, working with them  
12 as we ramp up and get through these initial months.

13 Our flow of payment request claims, when they  
14 come to us, we're assigning them to an individual staff  
15 person, a key point person, so that both a staff person  
16 will get to know the recycling business processes and be  
17 able to work with them a little bit easier throughout  
18 these next several months and years, hopefully. And the  
19 recyclers' businesses will have one single point of  
20 contact they can call about their payment claims. That's  
21 the first thing we do.

22 And then we do a preliminary review, which leads  
23 to the conference calls with the claimants. The first  
24 time around we've been holding a conference call with  
25 basically each and every recycler that comes in with a



1 claim, initially talking about what it looks like overall  
2 in the payment claim, and where the deficiencies might be  
3 and what our regulations are.

4           And because of some of the questions that came up  
5 with the conference calls, we decided to hold a workshop  
6 on April 8th. And, again, we did this in collaboration  
7 with Department of Toxics. They addressed some of their  
8 issues in the morning, and we addressed a lot of the  
9 payment issues later into the morning and into the  
10 afternoon.

11           The real beauty of this workshop was that after  
12 all the discussion and with the whole group, we provided  
13 an opportunity for the recyclers to sit down with their  
14 individually assigned staff person, tear apart their  
15 payment claim and really go through it in detail, so that  
16 the recycler can really understand exactly what our review  
17 was entailing, perhaps where some of the deficiencies  
18 were, and really being able to discuss. The first time  
19 around, there's going to be no substitute for this  
20 one-on-one assistance we're going to provide. We're  
21 learning from them, and they're learning from us. And  
22 hopefully we're all learning how to deal with these  
23 regulations.

24           After these individual meetings, we provided  
25 guidance material and samples of complete forms on our

1 website. And then we have sent a formal letter explaining  
2 the deficiencies in the claim. This is kind of our  
3 opportunity to fix anything that is happening now so we  
4 can expedite claims in the future, which is certainly our  
5 goal.

6 --o0o--

7 BRANCH MANAGER WILLD-WAGNER: So the status of  
8 where the payment claims are: We've had 21 submitted.  
9 Three of those came in just last week, three or four. And  
10 I heard there's another three or four upstairs. They're  
11 coming in now pretty fast and furious. Fourteen different  
12 recyclers some have submitted 21 claims. So you can see  
13 some have submitted two claims for the January and  
14 February reporting period.

15 The amount requested is 1.8 million and 3.9  
16 million pounds. And we have begun processing those  
17 payments. Some have been processed already. The  
18 encouraging thing is that out of the claims that have been  
19 submitted that we had in-house for more than three weeks,  
20 we've been able to thoroughly review and give formal  
21 feedback through that formal letter to 70 percent of  
22 those. That means we've gone through the informal  
23 conference call, the one-on-one meeting, and now we're  
24 getting to that formal period. 73 percent we've actually  
25 been able to give the formal written letter.

1           We realize this is taking at this moment a little  
2 bit longer. We're trying to invest a little bit more time  
3 now so we can save time for both us and provide more  
4 service, so that recyclers are going to be able to  
5 eventually be paid for a larger percentage of their  
6 claims, so we get everything right the first time. Right  
7 now, it's taking a little longer. Our goal is within five  
8 to six months we'll be able to turn these around in  
9 30 days. So that's what we're pointing towards.

10                               --o0o--

11           BRANCH MANAGER WILLD-WAGNER: Our favorite chart  
12 here. This really just sort of describes what I said a  
13 moment ago. The green shows the flow of the money through  
14 the consumer, to BOE, to our account, and then down to the  
15 recycler and collector. That money flow to the recycler  
16 and collector doesn't happen until the material and  
17 documentation is going to flow from the collector and back  
18 up. So it's really definitely a two-way street.

19           At this time, I'm going to introduce Jeff Hunts,  
20 as you know, is working in detail with the payment claims,  
21 and he'll go through some of those processes and  
22 challenges we're having.

23           SUPERVISOR HUNTS: Thank you, Shirley.

24           Good morning, Board members, Madam Chair. My  
25 name is Jeff Hunts. I'm a Supervisor in the Electronic

1 Waste Recycling Program.

2           And as Shirley was describing, our chart here --  
3 it's a nice simplified version of what goes on with money  
4 going clockwise and material flowing counterclockwise, and  
5 the goal of a happy convergence of materials and  
6 documentation, money right there where the payment claim  
7 box is, as opposed to a train wreck. And contrary to some  
8 testimony that's been provided in other states about these  
9 types of programs, it's safe to say that California is not  
10 experiencing a train wreck. So far we have, I would say,  
11 success in both working with our participants and  
12 implementing the goals of the program.

13                               --o0o--

14           SUPERVISOR HUNTS: What I'm going to do is give  
15 you a few details behind the program. As you know, the  
16 Act provides for payments. And those payments would be  
17 distributed to qualified or approved entities of the  
18 system. Then the intent is to cover the cost of  
19 collection and recycling. Not to exceed that, but to  
20 cover the cost of collection and recycling of covered  
21 electronic waste.

22           Eligible activities began January 1st. And what  
23 I mean by eligible activities is that materials discarded  
24 or transferred from a California source, a California  
25 consumer, were eligible to be processed through the

1 system. Only properly documented covered electronic  
2 waste, or CEWs, collected from California sources after  
3 the start date are eligible. And the emphasis on properly  
4 documented and after the start date.

5 And SB 50, which is revised portions of SB 20,  
6 had a provision that only recycling or cancellation  
7 activities that occurred in state is what's eligible for  
8 payment.

9 --o0o--

10 SUPERVISOR HUNTS: We had a lot of discussion at  
11 the April 8th workshop about this provision of the  
12 regulations. It's the definition of a California source.  
13 And we took the e-waste pledge to all understand what a  
14 California source was. And in particular, it's the user  
15 of the item. And what's key is the last sentence there  
16 "entities who take, further handle, consolidate, store, or  
17 otherwise deal with these items are not sources." They  
18 are not consumers. This is a vital understanding for  
19 participants in the system to have, because what the  
20 regulations require is source tracking of who the consumer  
21 was that discarded the material, not who someone  
22 subsequently downstream was who handled the materials.

23 --o0o--

24 SUPERVISOR HUNTS: Back to payments quickly.  
25 Shirley mentioned the cost-free condition of payment. We

1 spend far too much time discussing this at workshops and  
2 with our participants. It's a requirement inserted into  
3 the Act by SB 50 that a cost-free opportunity must be  
4 provided for California consumers.

5 I think the more important aspect is the second  
6 bullet here, the regulations prohibit participants in the  
7 system from charging a fee should State payments cover  
8 their costs of doing business. So we can talk all we want  
9 about cost-free and convenient requirement. Most  
10 important, though, is that price gouging is prohibited.  
11 If the State payments to the recycler and subsequently to  
12 the collector cover costs, fees cannot be charged.

13 The initial combined payment rate, the recovery  
14 and recycling payment rate is 48 cents per pound of  
15 material cancelled, covered electronic waste canceled.  
16 And that includes the 20 per pound recovery payment that  
17 would be passed on through the recycler to a collector for  
18 materials transferred. And statute provides for the Board  
19 to be able to revisit and revise that payment rate every  
20 two years as necessary.

21 --o0o--

22 SUPERVISOR HUNTS: Really simplified,  
23 responsibilities under the Act are that the collector is  
24 entitled to their 20 cent recovery rate, if they track the  
25 sources of materials and transfer only covered electronic

1 waste generated from eligible California sources for  
2 payment, and if they submit the required documentation --  
3 regulatorily required documentation to that approved  
4 recycler. The recycler upon canceling material is  
5 entitled to their 48 cents combined recovery and recycling  
6 payment, if they've been inspected by DTSC and found in  
7 conformance with applicable laws and then submit as part  
8 of a claim all the required supporting documentation to  
9 the Waste Board.

10 --o0o--

11 SUPERVISOR HUNTS: As Shirley mentioned, we've  
12 been working with our recycler claimants and have been  
13 running into some challenges in the payment claims mostly  
14 associated with documentation. There's some general  
15 challenges, like completely illegible documents. You  
16 can't approve something that you can't read. And perhaps  
17 some signatures that aren't listed as associated with the  
18 approved participant.

19 But more specific challenges are associated with  
20 ineligible material being claimed, whether that was  
21 material being collected prior to January 1st or perhaps  
22 material that is exempted from the program, industrial or  
23 commercial equipment, such as arcade games or ATMs, or  
24 simply material that does not have source documentation  
25 associated with it. That is related to the second item

1 there, source documentation.

2           Collection logs. There's a lot of talk about  
3 collection logs. This is the foundation on which source  
4 documentation is based. The regulations are very clear  
5 about what is required in collection logs, the type of  
6 consumer, when and where the type of materials are  
7 collected, how much, from who. We continue to work with  
8 our participants to help them get that straight. And we  
9 provide through the Board's website forms and tools that  
10 participants can use to capture this information.

11           There was also at the April 8th workshop and  
12 associated with source documentation a lot of discussion  
13 around what is known as the local government provision.  
14 The regulations allow local governments or their agents  
15 who are approved collectors to track the sources of  
16 covered electronic waste in a more cumulative fashion.  
17 Everyone else has to capture names and addresses of the  
18 California source. And we continue to work with  
19 participants to help them understand the requirements  
20 there.

21           Transfer documentation. That memorializes the  
22 event where materials are transferred between a collector  
23 and a recycler certifying where the material came from and  
24 the weights and an acknowledgement of what payments are  
25 due to whom.



1           Processing documentation. Really, there was a  
2 lot of focus on source documentation, but the actual  
3 cancellation of these items were properly handled and  
4 processed is heart of the program. Processing logs, how  
5 much material was processed when, by what method, has been  
6 missing from many of the claims.

7           And then something we're all very interested in  
8 is, what happened to the treatment residuals? Where did  
9 it go? For those covered electronic waste that are  
10 containing the cathode ray tube, the CRT, first and  
11 foremost is where did the leaded glass go? Who received  
12 it? And what is the end use of that, to ensure that it's  
13 not disposed to the air, land, or water. But there are  
14 also requirements for the quantification and description  
15 of what became the other treatment residuals, the  
16 plastics, the metals, the circuit boards, the wood. And  
17 that's been missing.

18                               --o0o--

19           SUPERVISOR HUNTS: So our goal is timely  
20 processing of these claims. You know, we have every  
21 intent of getting through them as quickly as possible. We  
22 recognize the only way we can grow this system, to build  
23 confidence in it, is to get quick turn-around on the  
24 payments, at the same time, balancing that with fulfilling  
25 our regulatory obligations and ensuring that our

1 participants are complying with theirs. This will protect  
2 the integrity of the fund. We can't start off sloppy. We  
3 have to be strict.

4           There are inaccurate rumors that the Board will  
5 be lenient and grant amnesty up front. The staff's  
6 position is fully that we will be enforcing all rules and  
7 regulations associated with this payment system to get off  
8 to the right start.

9           And first time errors were expected, not so much  
10 on the part of staff, but from our participants. The regs  
11 are somewhat complicated. It is a complicated concept.  
12 We are collaborating closely with our claimants to ensure  
13 that we can fix the problems now, as Shirley mentioned.  
14 We will be holding hands with our recyclers during the  
15 first couple of claims, allowing them to amend information  
16 before we get to a more summary review and approval, which  
17 is what will allow for more efficient reviews in the  
18 future.

19                               --o0o--

20           SUPERVISOR HUNTS: And then looking ahead, we  
21 will continue to provide assistance, clarify these  
22 misunderstandings, and resolve complications.

23           When we drafted the regs last year, as you know,  
24 the initial set of emergency regulations was adopted by  
25 the Board in April last year, a year ago. They were

1 revised in November, December in response to SB 50.  
2 There's been several business models that have emerged  
3 that complicate the implementation of this program that  
4 provide opportunity and perhaps efficiencies. But there  
5 were things that neither the stakeholders nor staff  
6 anticipated. We are working through those.

7 Our goal is to expand the recovery and recycling  
8 system with the objective of providing convenience to all  
9 California consumers and an awareness of the right thing  
10 to do with these devices at the end of their useful life.  
11 We're promoting erecycle.org, working closely with Public  
12 Affairs. We're very thankful the efforts Public Affairs  
13 put forward. And especially thankful to the Board's IMB  
14 group. Our IT people are the best. They provide us the  
15 database tools we need and the web support to inform our  
16 stakeholders.

17 And then we're looking ahead to developing and  
18 deploying audit functions. This will help not only in the  
19 preparation and guidance needed for stakeholders, for  
20 participants to develop the cost report, and cost reports  
21 that allow the Board -- that will provide the information  
22 for the Board to adjust payment rates. But it will also  
23 help us with enforcing compliance on recordkeeping and  
24 bookkeeping and to minimize fraud. And I don't really  
25 want to close on a negative note. But any time money is

1 involved, we have to be vigilant about the possibility  
2 that fraud could creep in.

3 --o0o--

4 SUPERVISOR HUNTS: And with a graphic from our  
5 erecycle site, we'd like to answer any questions that the  
6 Board may have. Thank you.

7 CHAIRPERSON MARIN: Does anybody have questions  
8 for Jeff? We do have somebody that wants to speak to us.  
9 So, Jeff, don't leave just yet. Evan Edgar from CRRC.

10 MR. EDGAR: Hello, Chair, Waste Board members.  
11 My name is Evan Edgar on behalf of the California Refuse  
12 Removal Council.

13 I represent over 160 collectors and 50 transfer  
14 stations. And as part of this emerging program, we are  
15 becoming authorized collectors at our facilities and at  
16 our curbside pickup. It's been a great program.

17 We attended every workshop, been part of the  
18 regulation package. This has been one of the shining  
19 successes of the Waste Board, with low staff, big results.  
20 So we appreciate the process that's occurred.

21 As part of it, we have some source documentation  
22 problems. Some of our partners in local government can  
23 accumulate their e-waste that comes from load checking or  
24 illegal cleanup at the gate or many different sources, and  
25 our partners in local government can accumulate it and

1 have that abandoned and load checked and e-waste be part  
2 of the program.

3           On our private side, we are looking at that type  
4 of e-waste that we get at load check, at facilities, and  
5 elsewhere, and to source that out -- we know it's  
6 California sources. People drop it off. We find it in  
7 load check. We like to have the convenience of being an  
8 agent of local government. What's on the Waste Board home  
9 page is good stuff with regards to resolutions and  
10 letters. But getting those resolutions and letters out of  
11 regional government, out of some of the cities, is not as  
12 easy for others. And we have e-waste coming into the  
13 system that we can't source out because it's load checked  
14 or abandoned, and we can't get that letter of local agent  
15 out in time.

16           So on an interim, we feel if we have a valid  
17 franchise that has e-waste part of our franchise, that we  
18 have a facility permit, we're in contract with the local  
19 agent, administratively we should be able to be a local  
20 government agent based upon our franchises and contracts.  
21 Now, we'd like to work that administratively with your  
22 legal counsel on an interim. But it's something that with  
23 some local governments we can get this agent out on  
24 letterhead and resolution. In some cases, it's tough. On  
25 interim, we're looking to get some type of interpretation

1 of existing emergency regulations to be an agent based  
2 upon our franchises and our contracts to get this e-waste  
3 into the system. Thank you.

4 CHAIRPERSON MARIN: Okay. So how will it work?  
5 Maybe internally, could that work, Shirley, Jeff, or our  
6 legal person? How does that work?

7 SUPERVISOR HUNTS: Well, Evan brings up a good  
8 point. It's a challenge that many both participants and  
9 non-participants in the program are facing. I think it's  
10 important to focus on the participants in this system.  
11 Regrettably, many players, be it local government or  
12 material handlers, have opted to not participate in the  
13 system and want to really tap in from the outside, realize  
14 the benefits, but not fully embrace the requirements, the  
15 application to become approved and the responsibilities  
16 that go along with that. I'm not saying that's everyone.

17 The regulations, as I mentioned earlier, have a  
18 provision for local governments or their approved  
19 collector who are local governments or their approved  
20 participant agents to do this cumulative tracking. That's  
21 what the existing law provides for. And we are working  
22 closely with local governments. We're working closely  
23 with haulers who are running into these challenges on how  
24 we can use our existing regulations, emergency regulations  
25 to take care of things. The last thing we want to do is

1 disincentivize load check or illegal dumping cleanup. But  
2 by the same token, we have to comply with our  
3 regulations.

4 CHAIRPERSON MARIN: Let me ask you this. So we  
5 have a local government that may or may not have a one-day  
6 cleanup day. But they have their contract with Evan Edgar  
7 or one of their members. If that City -- because they  
8 don't have cleanup days or whatever, but they have it  
9 through him, the City could then authorize them as the  
10 agent for that; right?

11 SUPERVISOR HUNTS: Absolutely. Should them, Evan  
12 Edgar, be an approved participant --

13 CHAIRPERSON MARIN: Only Evan Edgar. No one  
14 else.

15 SUPERVISOR HUNTS: -- be an approved participant  
16 in the system, the regulations allow for a local  
17 government, recognizing that many local governments  
18 contract out for services.

19 CHAIRPERSON MARIN: Exactly.

20 SUPERVISOR HUNTS: But we only regulate who we  
21 regulate, and those are the approved participants in our  
22 system. So we can only extend this allowance of  
23 cumulative tracking to an approved participant, either  
24 directly as a local government or their designated agent.

25 And as Evan was pointing out, through our website

1 we do provide a sample letter not to take the place of a  
2 franchise -- an existing franchise agreement, many of  
3 which probably pre-date the e-waste program.

4 But what the program and the Board should be  
5 interested in is the scope of activities that are taking  
6 place under this banner of agent as it relates to the SB  
7 20 program, when activities are taking place, what time  
8 frame, what the expectations and accountabilities are  
9 between a local government who the regulations were  
10 directed at and the service provider.

11 CHAIRPERSON MARIN: But that's the relationship  
12 between the City and their contractor.

13 SUPERVISOR HUNTS: Exactly. But since the State  
14 is the one with the wallet and cutting the checks, the  
15 State has an interest in understanding what that  
16 relationship is and what the understanding of activities  
17 are.

18 CHAIRPERSON MARIN: Why would it be different?  
19 If the City is holding a cleanup day and they choose not  
20 to and instead relinquish that or grant that to them, why  
21 would it be different? I don't understand that.

22 SUPERVISOR HUNTS: I don't think it is different.  
23 It's a matter of being approved in the system and the  
24 State understanding what that relationship is.

25 CHAIRPERSON MARIN: Okay. So, Evan, you would



1 need to go in and get your contract amended or updated or  
2 where they -- is this a legal piece of paper that you  
3 would need? I appreciate what you guys are doing. I want  
4 to help. To me, it makes sense if you guys have an  
5 existing relationship and instead of having the City do  
6 it, you have that anyways.

7 MR. EDGAR: That's working great in cases where  
8 we have a responsive government and we get a letter out  
9 and it's explicit and we can file that resolution and/or  
10 sample letter that is on the Waste Board home page. It  
11 has worked out in many cases. In other cases where  
12 there's a regional agency or has to go through a  
13 resolution process, that takes months to do.

14 And right now, the system has kicked off, and  
15 we're accepting the load checked waste and e-waste, and  
16 there's no quick way to have that type of stuff. The  
17 e-waste gets into the system today without going through  
18 its three-month resolution process through a regional  
19 local government.

20 We're hoping on an interim to use our existing  
21 franchise or contracts in order to have our load checked  
22 and abandoned waste into the system today without going  
23 through that resolution process that some local  
24 governments require. It's a case by case basis where  
25 right now we can do it on some cases. Other cases, we

1 don't have a responsive resolution process through  
2 regional government to get that designation. But we do  
3 have franchises and contracts in place where we are  
4 authorized to handle e-waste.

5 BOARD MEMBER MULÉ: It's a short-term problem;  
6 right?

7 MR. EDGAR: Correct.

8 CHAIRPERSON MARIN: No. I appreciate that. But  
9 it should be in the best interest of the city to get that  
10 resolution to you right away. I'm surprised. I'm really  
11 surprised. Because it's only an acknowledgement of that  
12 existing relationship that you already have. I mean, it  
13 should be in their best interest to give that authority,  
14 if you will, to you right away.

15 MR. EDGAR: Some of the local task forces don't  
16 meet on a routine basis. They get cancelled. The AB 939  
17 task force, they wanted to go through a regional process  
18 and get a resolution. Actually, it's tough to do the  
19 resolution. And some of the -- they like to go through  
20 all -- the task forces don't meet. So it takes two to  
21 three months to do that resolution letter.

22 CHAIRPERSON MARIN: There's got to be a better  
23 and simpler way than that.

24 MR. EDGAR: That letter has worked in some cases.

25 CHAIRPERSON MARIN: We have our attorney. Let's

1 listen to our attorney.

2 STAFF COUNSEL CONHEIM: Madam Chair and members,  
3 we're not requiring any particular resolution or form.  
4 What we are requiring is an acknowledgement from local  
5 government that they understand the new relationship for  
6 the funding of this endeavor.

7 A franchise agreement, which was established  
8 two years ago, five years ago, whenever it was, certainly  
9 was not adopted in contemplation of the State being the  
10 third-party player, the funder of this.

11 Now, we'll look at every arrangement and work  
12 with claimants. The problem in not having even a letter  
13 from the City Manager or from a county executive or a  
14 Director of Public Works or somebody acknowledging this  
15 new relationship is that the City is going to have  
16 financial consequences as well as the collector for the  
17 way this program works, which may never have been  
18 considered in the franchise agreements.

19 That having been said, we will still work with  
20 every claimant to get through these initial months. As  
21 Jeff said, there are start-up issues. But let me just say  
22 that we are not requiring a resolution of a governing  
23 body. We're requiring some written documentation that  
24 points to the evidence of agency of the collector, the  
25 CRRC business being an agent of local government. And

1 that can be done in an efficient way.

2 And if it can't be done by a resolution that  
3 takes three or four months, we'll explore other ways. If  
4 there's some reason why that just can't be done at all,  
5 we'll still work with a collector to -- rather, work with  
6 a recycler who submits a claim to understand the  
7 relationship and whether the requirements of agency have  
8 been met. What we're suggesting is the simplest way to  
9 update the notion of agency between the local government  
10 and a collector for purposes of SB 50 and SB 20.

11 And all that having been said, we're still going  
12 to sit down with every claim and do this. At some point  
13 three, four, five months from now, we'd like this to be  
14 more routine, as Jeff said. And that's what we're headed  
15 for. So we're not trying to impose an impossible  
16 requirement. It can be met in any number of ways. Work  
17 with us to meet that requirement.

18 CHAIRPERSON MARIN: That makes sense. Evan.

19 MR. EDGAR: I'll defer to legal counsel.

20 One of the things we want to work on, on a case  
21 by case basis, your staff is great to work with on this  
22 issue. I have the faith we can work that out, at least go  
23 beyond emergency regs. In the final regulations, maybe we  
24 can get that clarity we need at that point so we don't  
25 have to go through the same process each and every time.

1 I believe we can work that out on a case by case basis  
2 with legal counsel's advise.

3 CHAIRPERSON MARIN: Thank you.

4 Yes, Ms. Mulé.

5 BOARD MEMBER MULÉ: I do have a question. I  
6 guess it's for staff.

7 So is it my understanding that the required  
8 documentation is different for a local jurisdiction than  
9 it is for a private entity?

10 SUPERVISOR HUNTS: The required documentation can  
11 be different. It comes in the specificity of the name and  
12 address of the California source that's disposing --  
13 discarding the covered electronic waste. We talk about  
14 this local government provision as an exemption. It's  
15 really anybody who is an approved participant in our  
16 system who's not a local government has the additional  
17 requirement of capturing name and address of the  
18 California source that's discarding the devices.

19 BOARD MEMBER MULÉ: So then if Evan Edgar Hauling  
20 Company is servicing the city of Sacramento, he has to  
21 submit documentation showing every single address of every  
22 single pickup for every single item?

23 SUPERVISOR HUNTS: If he is conducting that  
24 activity as Evan Edgar Hauling on his own and simply  
25 seeking to provide a service and --

1           BOARD MEMBER MULÉ: No. He's contracted with the  
2 city of Sacramento.

3           SUPERVISOR HUNTS: If he's acting as an agent of  
4 the City, he can cumulatively track types of consumers,  
5 the dates of events, the amount collected, but not --

6           BOARD MEMBER MULÉ: Not every single individual  
7 pickup by address?

8           SUPERVISOR HUNTS: Absolutely. That's exactly  
9 what Sacramento did this past weekend as part of their  
10 collection events.

11          BOARD MEMBER MULÉ: So as long as they're an  
12 agent of the city -- and so the issue then is that they  
13 need this letter, some written form of documentation  
14 showing they're an agent of the City.

15          SUPERVISOR HUNTS: A demonstration that the  
16 jurisdiction in whose name an activity is being conducted  
17 and a claim will come to the State that there's an  
18 understanding of what's going on.

19          BOARD MEMBER MULÉ: And, again, as I stated  
20 earlier, it seems like this is a short-term issue that we  
21 can resolve hopefully as quickly as possible.

22          SUPERVISOR HUNTS: Yes.

23          BOARD MEMBER MULÉ: Thank you.

24          CHAIRPERSON MARIN: As quickly, with an accent  
25 there and underlined.

1           Okay. Any other questions on the progress of  
2 e-recycling?

3           Ms. Peace.

4           BOARD MEMBER PEACE: I have a question as a  
5 consumer. So if I have five monitors in my garage I want  
6 to get rid of, I can take all those to a certified  
7 collection facility? Even though I didn't pay the fee on  
8 those, I can still take those in. And then how do I find  
9 out where that collection facility is? I only find out on  
10 the website?

11           SUPERVISOR HUNTS: There's a couple different  
12 ways. Statute requires all manufacturers of covered  
13 electronic devices to provide consumer information,  
14 guidance on where consumers have that equipment can  
15 properly manage that material.

16           What we've done with e-recycle is allowed many  
17 manufacturers to point back to the information we provide.  
18 And then through e-recycle, we maintain a comprehensive  
19 database directory of reuse and recycling options for  
20 electronic waste. We maintain a separate database of  
21 approved participants in our system. Since this Act  
22 covers actually a small fraction of electronic waste,  
23 namely video displays, we maintain a separate listing of  
24 who approved participants are. And as we've discussed,  
25 they're required to provide cost re-service, should our

1 payments cover their cost. But we have a much larger  
2 universe. So in addition to your five monitors, if you  
3 have printers and a CPU and other peripherals, you can  
4 find options through e-recycle.

5 BOARD MEMBER PEACE: And if I wasn't a Board  
6 member, how would I know about e-recycle?

7 SUPERVISOR HUNTS: Well, we're running public  
8 service announcements throughout the state on radio. We  
9 have point of purchase information at major retailers. If  
10 you go to Costco -- some day I dream of bringing my 1986  
11 13-inch television -- you see this very graphic, "A small  
12 price to pay for our environment," and the web address.

13 BOARD MEMBER PEACE: Thank you.

14 CHAIRPERSON MARIN: Thank you.

15 Mr. Washington. Oh, I thought you said you  
16 wanted to say something.

17 BOARD MEMBER WASHINGTON: No. I was asking about  
18 the presentation. Did you do some PSAs or something?

19 CHAIRPERSON MARIN: I did some PSAs. No. It was  
20 for Tire Safety Week. But, actually, didn't we show that  
21 last month, at the last month meeting?

22 BOARD MEMBER PEACE: I haven't seen them on the  
23 actual television.

24 CHAIRPERSON MARIN: Well, you don't have a lot of  
25 time to watch TV. That's why.



1           Okay. Well, that was very good. Thank you so  
2 very much.

3           Eventually, will all of this reporting be done  
4 online, or is it taking place right now, the logs that  
5 people are going to be submitting? Or is it all manual  
6 yet?

7           SUPERVISOR HUNTS: At this point we're killing  
8 lots of trees.

9           CHAIRPERSON MARIN: We don't want to kill trees,  
10 but we are looking; right?

11          SUPERVISOR HUNTS: We are always exploring ways  
12 to reduce paperwork. I think the first opportunity would  
13 be more in the net cost reporting, matters that can be  
14 standardized through the guidance we provide and  
15 information coming in. So whether it's the net cost  
16 reporting by participants or manufacturer reporting from  
17 OEMs, I think that's right for online reporting.

18          CHAIRPERSON MARIN: You know, Jeff and Shirley  
19 and Mark, one of the things we really need to look forward  
20 is to automate it the way that we did and we're doing with  
21 the tire manifest. I think that's the next step. And we  
22 should be really seriously considering how do we automate  
23 it. We don't want to kill any more trees than we really  
24 absolutely have to.

25          SUPERVISOR HUNTS: We encourage the use of

1 recycled paper.

2 CHAIRPERSON MARIN: That's good. That's fair.

3 Okay.

4 With that, I've been advised it might be a good  
5 idea to break for a few minutes right now. So we will  
6 come back in ten minutes, exactly at 11:00. Thank you.

7 (Thereupon a recess was taken.)

8 CHAIRPERSON MARIN: Do we have any ex partes?

9 BOARD MEMBER PEACE: I'm up to date.

10 BOARD MEMBER MULÉ: Up to date.

11 BOARD MEMBER WASHINGTON: Up to date, other than  
12 the reporter coming up here harassing me.

13 CHAIRPERSON MARIN: Do you have to report him?

14 BOARD MEMBER WASHINGTON: Yeah, I think so.

15 CHAIRPERSON MARIN: To the authorities. We are  
16 the authorities.

17 BOARD MEMBER PEACE: Tell him that story's  
18 already been done.

19 CHAIRPERSON MARIN: Okay. Well, the next item --  
20 Patty, we're done completely with your items.

21 And, Pat, you have nothing to report. Pat, come  
22 on. Have something to say. We had a wonderful Committee.  
23 I want you to tell everybody why you have nothing to say,  
24 because we work very, very, very hard during the Committee  
25 meeting.

1           DEPUTY DIRECTOR SCHIAVO: Pat Schiavo, Diversion,  
2 Planning and Local Assistance. I wasn't going to say  
3 anything, because we had a wonderful Committee and --

4           CHAIRPERSON MARIN: So quit while you're ahead.

5           DEPUTY DIRECTOR SCHIAVO: All the typical  
6 jurisdictional planning items were approved and placed on  
7 consent and voted on this morning. The disposal reporting  
8 workshop went very well. We received a number of  
9 excellent comments, and staff are compiling those. And  
10 we'll be going to the Board at the May Board meeting  
11 requesting approval for the 15-day formal process to  
12 initiate. So the workshop was a timeout from the formal  
13 process, going into the informal process, and now we'll be  
14 going back to the formal process again. And I really  
15 appreciate people who attended the meeting, a lot of  
16 helpful suggestions. And it went real well.

17          CHAIRPERSON MARIN: You know, Pat, some people  
18 question the value of Committees and why it doesn't really  
19 come all the way to the Board. But the amount of time  
20 that we spend at the Committee level with every single  
21 jurisdiction, with everybody coming before us, we really  
22 couldn't do that at a Board meeting unless each Board  
23 meeting would be three days' long.

24               But what is really amazing where we have all of  
25 these different jurisdictions or companies that are coming

1 before us for either time extensions or for their base  
2 year changes and so forth, we really get a lot of  
3 information from them. And until we're all satisfied as a  
4 Committee, the item doesn't move forward. So just for the  
5 people that may say, "Well, all of these items are on  
6 consent," they're on consent for a particular reason. We  
7 have worked them to death through the Committee level.

8 So I thank you, Pat. And it's always nice to  
9 hear from you anyways. So thank you for that report.

10 Ms. Mulé, Chair of the Permitting and Enforcement  
11 Committee, you have a report?

12 BOARD MEMBER MULÉ: Yes, I do. Thank you, Madam  
13 Chair.

14 We, too, had a great meeting, and we heard seven  
15 items. There were three permit items; two of which were  
16 on the consent agenda. We also heard the grant awards for  
17 the Farm and Ranch Solid Waste Cleanup and Abatement  
18 Program; the Landfill Closure Loan Program. And then also  
19 we heard a couple of Committee only items: The Board's  
20 role in broader training; and then the RD&R rules. We put  
21 those out for 15-day comment.

22 And today we are going to hear -- Item 11 was  
23 pulled on the agenda. It is now Board Agenda Item 29.  
24 And we will be hearing that item in this section of our  
25 Board meeting.

1           So with that, I'm going to hand it over to Howard  
2 Levenson.

3           CHAIRPERSON MARIN: Thank you. Mr. Levenson.

4           DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
5 Chair, Board members. Howard Levenson, Deputy Director  
6 for Permitting and Enforcement.

7           Our first item to hear today is Item 14, is  
8 Consideration of a Revised Full Solid Waste Facilities  
9 Permit for the Avenal Regional Landfill in Kings County.

10          You should all have a revised agenda item and  
11 revised resolution for this. Virginia Rosales is going to  
12 make that presentation.

13          MS. ROSALES: Good morning, Madam Chair and Board  
14 members.

15          The Avenal Regional Landfill is owned by the City  
16 of Avenal and operated by the Madera Disposal Systems, a  
17 subsidiary of Waste Connections. The proposed permit will  
18 allow for the following: Expand the disposal footprint  
19 from 87 acres to 123.2 acres; increase the hours of  
20 operation to 24 hours per day, 7 days per week; increase  
21 the permitted tonnage from 475 tons per day to 6,000 tons  
22 per day; increase the elevation from 1,090 feet to 1,300  
23 feet; increase the remaining refuse capacity from 5.96  
24 million cubic yards to 26 million cubic yards; specify the  
25 maximum traffic volume to be 306 vehicles per day, no more

1 than 40 traffic trucks per hour, and 60 employee vehicles  
2 per day; and then finally, change the estimated closure  
3 year from 2028 to 2020.

4 The City of Avenal, acting as a lead agency,  
5 prepared an EIR. The EIR identified significant and  
6 unavoidable environmental impacts to air quality, thereby  
7 requiring a Statement of Overriding Considerations.

8 In response to questions from a Board member  
9 regarding the impacts of air quality, Board staff have  
10 provided the following additional information to all Board  
11 members in accordance with the Bagley-Keene Act: A copy  
12 of the San Joaquin Valley Air Pollution Control District's  
13 comments on the draft EIR; a portion of the mitigation  
14 monitoring plan as it pertains to air quality; four  
15 photographs which were taken from the draft EIR showing  
16 the existing views and visual simulations of landfill  
17 buildup. Copies of these documents are available on the  
18 back table for those that are interested.

19 The City of Avenal Planning Commission found that  
20 the unavoidable significant impacts are acceptable due to  
21 the overriding considerations, which are listed in the  
22 agenda item as Attachment 4.

23 Finally, the EIR was certified, and the Statement  
24 of Overriding Considerations and the Mitigation Monitoring  
25 Plan were adopted by the City of Avenal Planning

1 Commission on September 9th, 2004. A Notice of  
2 Determination was filed with the Office of Planning and  
3 Research on September 23rd, 2004. The Notice of  
4 Determination indicated that the project would have  
5 significant effects on the environment and that a  
6 Statement of Overriding Consideration was adopted for the  
7 project.

8 Board staff have determined all the requirements  
9 for the proposed permit have been fulfilled and finds the  
10 EIR, along with the Statement of Overriding Considerations  
11 and the Mitigation Monitoring Plan, are adequate for the  
12 Board's environmental evaluation of the proposed project.  
13 Therefore, Board staff recommends the Board adopt  
14 Resolution Number 2005-94 concurring with the issuance of  
15 Solid Waste Facilities Permit Number 14-AA-004, if the  
16 Board adopts the lead agency Statement of Overriding  
17 Considerations as its own. This concludes staff's  
18 presentation.

19 Tom Riley representing the operator; Troy  
20 Hommerding representing the Kings County LEA; Steven Sopp  
21 representing the City of Avenal Community Development  
22 Department; and Douglas Brown, the City's consultant who  
23 prepared the EIR, are all available to answer any  
24 questions you may have.

25 CHAIRPERSON MARIN: Thank you very much.

1           Are there any questions to any of the people that  
2 are here?

3           Ms. Peace.

4           BOARD MEMBER PEACE: I met with some of the  
5 people yesterday, the representatives of the city and the  
6 operator, and they tried to explain to me what a good  
7 project this was. But I guess I still have some questions  
8 here.

9           I guess I just don't understand how they can say  
10 there's going to be -- this project is going to result in  
11 long-term regional emissions of reactive organic gasses  
12 that would exceed the San Joaquin Valley Air Pollution  
13 Control District's daily significant threshold, but that's  
14 acceptable because the overriding consideration is that  
15 the project will provide economic benefits to the city.

16           Or that the human health risks -- if we do this  
17 proposed project, it would result in concentrations of  
18 toxic air contaminants at nearby receptors that would  
19 exceed the San Joaquin Valley's Air Pollution Control  
20 District threshold for cancer risk to human health. But  
21 that's okay, because the project capitalizes on the prior  
22 investment made by the City and the landfill development  
23 of operations.

24           Or that the proposed project would generate new  
25 air emissions over a number of years that would contribute



1 to the cumulative air quality impacts in the region. But  
2 that's acceptable, because the project will optimize fill  
3 space at the project site. I guess I still really have a  
4 problem with that.

5           The San Joaquin Valley Air Pollution Control  
6 District made some suggestions about the on-site  
7 equipment, you know, that should use cleaner fuel, newer  
8 engines. And those were incorporated into the mitigation  
9 plan. But the suggestion that they made was to require  
10 clean vehicles as a condition of their contracts, so the  
11 City could require the vehicles to have low emissions,  
12 newer engines, or alternative fuels as a condition of the  
13 contract to use the landfill. Why the City didn't  
14 consider putting those into the mitigation plan, any of  
15 those recommendations -- it seems to me if the Air  
16 Pollution Control District thought those were important  
17 enough to make a recommendation that you put some of these  
18 things in your contract, why you didn't think they were  
19 important enough to add to the mitigation plan.

20           CHAIRPERSON MARIN: That is the question for the  
21 City?

22           BOARD MEMBER PEACE: Yeah.

23           CHAIRPERSON MARIN: Okay. Is the representative  
24 from the City here?

25           State your name for the record. Thank you very

1 much for being here with us today.

2 MR. BROWN: I'm Doug Brown with EDAW. We're the  
3 firm that prepared the EIR, and with me is Steven Sopp  
4 with the City of Avenal.

5 CHAIRPERSON MARIN: Thank you.

6 MR. BROWN: If you could just allow me a moment.

7 MR. SOPP: Good morning. Thank you for the time  
8 to be here. My name is Steven Sopp. I'm the Community  
9 Development Director. And I don't claim to be an air  
10 expert, and that's why I have Doug with me today.

11 Let me tell you a little bit about this project  
12 so maybe you understand it a little better. As I  
13 explained at the Permitting Committee level a week ago,  
14 our city started as an oil boom town about 1929. It was  
15 called the Elliot Well. We have a Council Member who's  
16 name is Elliot, so we blame him for our city. Chevron  
17 brought in homes and built the city.

18 And we estimate that one day Joe brought in a lot  
19 of garbage and asked his boss where to put the garbage,  
20 and put the garbage where the boss told him to put the  
21 garbage. The city grew up around the landfill.

22 You know, oil lasted until mid '50s, early '60s  
23 and the town kind of died. We had a Community Services  
24 District that was running the landfill until the City  
25 organized, incorporated in 1979. And even after that, the

1 City attempted to run that landfill as best they could.

2 We're a very poor community town. We have about 8,000

3 citizens. We have about another 7,000 in our prison.

4 During those early years as a city, there were

5 several violations, I would assume. I actually was

6 working for the county at the time. The City wanted the

7 Avenal Landfill to be the regional landfill in about 1991.

8 The County didn't like that. I actually made a visit to

9 the landfill. To be honest, there were diapers flowing

10 out the front gate. It was after a rainstorm. So

11 obviously the County didn't choose Avenal. We weren't

12 equipped to run that landfill.

13 Then I started with the city as a Community

14 Development Director two years ago, almost three years

15 ago. A month after I started there, the City did hire

16 Madera Disposal Systems to operate the landfill. And it

17 was a wise decision, because that landfill now is

18 professionally run, professionally operated. Violations

19 are few now, mostly probably litter type problems.

20 And then they approached us to expand that

21 landfill to provide, as you said, Ms. Peace, a better

22 economic income for the city. We look at it as income for

23 the city. Projects that we will use the money from

24 expanded landfill will be community facility that we

25 already have plans, applying for a grant. We'll use it

1 for rebuilding our theater that burned down, which was  
2 owned by the City and a main attracting point for our  
3 citizens. Madera Disposal has also contributed \$50,000  
4 already to build soccer fields in our city to help our  
5 youth. So, yes, there are many economic advantages to the  
6 City expanding this landfill.

7           Meanwhile, the landfill is there. The people  
8 know it's there. They moved into town knowing the  
9 landfill was there. Yes, it looms over the city. Yes,  
10 you can see it every day as you drive up Skyline Boulevard  
11 to leave town. Yes, you follow trucks coming into town  
12 that slow you down. But I think the citizens know it does  
13 provide an economic benefit to us.

14           We held, as I reported in the earlier meeting,  
15 several meetings with our citizens invited, advertisements  
16 in Spanish and in English. We invited them to an open  
17 house when this first started. Nobody showed up. We even  
18 offered refreshments, and that didn't seem to attract  
19 them. Planning Commission meetings were all obviously  
20 mailed, notice to all residences that were within the 300  
21 feet, plus both our little newspapers, English and  
22 Spanish, half-page ads, et cetera. We post our meeting  
23 notices all over town at six locations. So there just  
24 wasn't an interest. The people just understand that we're  
25 expanding our landfill, and that's what we're doing.

1           Now as far as these air impacts, I'll led Doug  
2 address that if you don't mind.

3           CHAIRPERSON MARIN: Any specific questions?

4           BOARD MEMBER PEACE: I guess that didn't answer  
5 my question. You said the citizens knew the landfill was  
6 there when they moved there. Okay. That's fine. When  
7 they moved there, your landfill was only taking 475 tons a  
8 day, not 6,000 tons a day, and having trucks go there  
9 seven days a week, 24 hours a day. I mean, that's not  
10 even the question I'm asking here.

11           I mean, I think it's great that you've improved  
12 the operation of the landfill by having someone else take  
13 it over. I think it's great that you want to boost all  
14 those good things, the soccer field, and the theaters,  
15 that you want to do those things for your community.  
16 That's wonderful.

17           What I asked was, you know, the air pollution in  
18 the San Joaquin Valley is some of the worst in the state.

19           MR. SOPP: The drop in the bucket effect. We're  
20 very aware of that.

21           BOARD MEMBER PEACE: When the San Joaquin Valley  
22 Air Pollution Control District suggested to you that you  
23 would require in your contracts as a condition of your  
24 contract that all those vehicles coming into your  
25 community would be clean air vehicles, why you didn't

1 think that was important to add to your mitigation plan.  
2 Because in your mitigation, you did put in that all the  
3 on-site equipment, construction equipment would have, you  
4 know, the newer engines, and they would be retrofitted,  
5 and they'd use cleaner fuel. Why didn't you think that  
6 was important to make that a condition of all the trucks  
7 coming into the landfill?

8 MR. SOPP: We saw it as a suggestion, not as a  
9 requirement. We probably saw it as onerous to the  
10 operator of the landfill to have to deal with that  
11 problem, you know.

12 BOARD MEMBER PEACE: Don't you think you could  
13 work something out to phase in those requirements? You  
14 said you're not going to be taking 6,000 tons a day right  
15 off the bat anyway. And I think Madera mentioned that  
16 half their trucks are already going to be retrofitted and  
17 be cleaner burning. So it seems to me you could have put  
18 something in the mitigation plan that said you would phase  
19 in to make sure that all the trucks coming into the  
20 community would be cleaner and not bringing all the  
21 pollution from San Francisco and all the other places  
22 where all this garbage was coming from.

23 MR. SOPP: Well, I guess the Planning Commission  
24 didn't see it that way. The one important condition of  
25 approval to them was to make sure the trucks would not be

1 running through town. They required the operator to open  
2 a new entrance up the hill as you're leaving town actually  
3 away from the city and prohibit their transfer trucks from  
4 coming through town. And that was the most important  
5 condition of approval to them.

6 CHAIRPERSON MARIN: Let me interject here. Has  
7 any other -- Shirley gave me whatever she had.

8 Has any other organization or jurisdiction that  
9 has oversight or approval, jurisdiction over this  
10 particular permit, has denied or has objected to this  
11 permit going forward?

12 MR. SOPP: No.

13 CHAIRPERSON MARIN: Okay. Has the San Joaquin  
14 Valley Air Pollution Control District, have they required  
15 you to do something that you are not doing?

16 MR. SOPP: No.

17 CHAIRPERSON MARIN: Okay.

18 BOARD MEMBER PEACE: But you could have cleaner  
19 air for your community if you did require some of these  
20 things. If you did require, as they suggested, that in  
21 your contracts as a condition of your contract that the  
22 truck coming in would be cleaner.

23 MR. SOPP: The answer is yes. But, again, I  
24 guess we just see it as onerous to the operator and to the  
25 city. It's going to cost the city more to do that. And

1 the benefit wouldn't override -- wouldn't really increase  
2 or decrease the air quality that much to be worth doing  
3 it.

4 MR. BROWN: Yeah. If I can address that issue a  
5 little bit. The reason the local air district made these  
6 recommendations and identified them as recommendations is  
7 that they don't have a specific authority over mobile  
8 sources. And that's the difficulty we're in in  
9 California, is the local air districts don't have the  
10 authority to implement these requirements.

11 And that's why they are a lot of changes being  
12 proposed at the state level, the California Air Resources  
13 Board requiring these types of things. And it's really  
14 outside of the realm of the local jurisdiction, in  
15 particular a jurisdiction like the city of Avenal to be  
16 implementing air quality regulations on mobile sources, on  
17 vehicles that will be coming from -- could be coming from  
18 all over the state. There's multiple difficulties  
19 associated with the enforcement of that, with having  
20 control over, you know, who they're contracting with or  
21 who's just bringing waste to the facility over the local  
22 haulers.

23 And so it really is a statewide regional -- or  
24 statewide enforcement issue. Because of the designation  
25 of that basin being severe, there are definitely going to



1 be changes occurring in that region associated with mobile  
2 sources coming down from the California Air Resources  
3 Board. And it really was outside of the City's authority  
4 to be implementing something that the air district can't  
5 implement themselves.

6 CHAIRPERSON MARIN: I think we appreciate what  
7 Board Member Peace is attempting to do. I think we all  
8 agree with the desire to see some of these sources be  
9 minimized, especially in an area that is so polluted.

10 The question for the Board, nevertheless, remains  
11 as to whether we have the authority to deny a permit based  
12 on the lack of jurisdiction that we have over mobile  
13 sources.

14 Marie, is that a good statement of the question  
15 before the Board?

16 CHIEF COUNSEL CARTER: Yes, Madam Chair.

17 CHAIRPERSON MARIN: So, while we all unanimously  
18 agree with Ms. Peace about the desire to see the pollution  
19 reduced in that entire area -- and we're working with the  
20 San Joaquin Valley in another arena, because we're as  
21 concerned as everybody else on the amount of pollution in  
22 that area.

23 But the question before the Board is whether we  
24 have the legal authority to deny a permit based on areas  
25 for which we have no jurisdiction. And while we would

1 want to see it reduced, I don't see, Ms. Peace, a reason  
2 to deny the permit based on your desire to see that  
3 reduction of emissions throughout the entire area.

4 MR. BROWN: And I would point out as far as the  
5 on-site vehicles, we put in very aggressive mitigation  
6 measures to try to control on-site emissions. We  
7 included --

8 CHAIRPERSON MARIN: That's a good point.

9 MR. BROWN: -- aggressive mitigation measures to  
10 reduce any of the emissions that would generate  
11 cancer-causing pollutants from the site.

12 And we looked at a number of alternatives to this  
13 project, including smaller sized operations. We looked at  
14 an alternative that had an average of 2,000 tons per day  
15 with a peak of 3,000 tons per day. And in doing our  
16 analysis, we came to the same conclusion, there would be a  
17 cancer risk associated with a smaller alternative. It  
18 would be reduced, but it would still extend just off of  
19 the project boundaries. So, basically, the only  
20 alternative that we could identify that would have a lower  
21 cancer risk that would be viable was the no project  
22 alternative.

23 CHAIRPERSON MARIN: Okay. Thank you.

24 Any further questions or comments?

25 BOARD MEMBER PEACE: I guess it still doesn't

1 seem to me that you're doing everything that you can to  
2 keep the air in your community as clean as possible. I  
3 mean, why would the San Joaquin Valley Air Pollution  
4 Control District suggest that you do these things if they  
5 don't think it was important? I know they don't have the  
6 authority to make you do them, but obviously they thought  
7 they were important enough that they suggested that you do  
8 these.

9           My question was why you didn't think they were  
10 important enough. And you're saying you thought it would  
11 be too onerous for the haulers, so we'll suffer with the  
12 dirty air because we don't want to put that onerous burden  
13 on the haulers.

14           MR. BROWN: I think it's difficult to try to  
15 invest that authority in a local jurisdiction to control  
16 mobile source air emissions when it's something that the  
17 local districts -- air districts can't implement. And,  
18 again, just being as aggressive as possible with the  
19 on-site operations and relocating the entrance of the  
20 facility to the north away from town, and that was the  
21 strategy.

22           CHAIRPERSON MARIN: But, you know, in addition to  
23 that -- and I think maybe that will get to the question,  
24 Ms. Peace, because it is my understanding -- and maybe  
25 somebody else would have more intimate knowledge about

1 that. But it is my understanding that the California Air  
2 Resources Board is dealing with some of these particular  
3 issues, and they are going to be adopting some regulations  
4 that will have a much more beneficial effect throughout  
5 not just the San Joaquin Valley, but throughout  
6 California. And when they do that and make these  
7 requirements on all of these trucks and buses and cars,  
8 that, in fact, it will have the desired effect.

9 BOARD MEMBER PEACE: I realize that. But I think  
10 the people in the San Joaquin Valley Air Pollution Control  
11 District, they understand that also. But, yet, they still  
12 made the recommendation that the City require as a  
13 condition of their contracts clean vehicles.

14 CHAIRPERSON MARIN: Okay. With that, is there a  
15 motion to move this item forward?

16 BOARD MEMBER MULÉ: I move approval of Resolution  
17 2005-94 revised.

18 BOARD MEMBER WASHINGTON: Second.

19 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
20 by Mr. Washington.

21 Call the roll, please.

22 EXECUTIVE ASSISTANT JIMENEZ: Peace?

23 BOARD MEMBER PEACE: You know, I really don't  
24 like this. I feel like I'm giving lip service to being an  
25 environmental agency. I feel like I'm giving lip service

1 to the fact we're supposed to take environmental justice  
2 into consideration. I really don't like this. I would  
3 like to vote no. If you're telling me we don't have the  
4 legal authority to do this, I guess I have to --  
5 ultimately, I guess I have to vote aye. But I'm telling  
6 you, I don't like it. Aye.

7 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT JIMENEZ: Washington?

10 BOARD MEMBER WASHINGTON: Aye.

11 EXECUTIVE ASSISTANT JIMENEZ: Marin?

12 CHAIRPERSON MARIN: Aye.

13 Thank you very much.

14 Let me just state this, because I believe that  
15 you speak for all of us in the sense we all want to see a  
16 better environment. But the Board has certain  
17 limitations, and we have to do what the law allows us to  
18 do. There is no -- I believe I speak for all of the Board  
19 members that we want to see a cleaner and better  
20 environment for everybody. But we are limited to what the  
21 law allows us to rule on. And so while we share your  
22 frustration and we want to see cleaner air and water and  
23 environment for every Californian, we have a job to do.  
24 And we have to do it to the best of our ability.

25 Ms. Mulé.

1 BOARD MEMBER MULÉ: And thank you, Madam Chair.

2 And just, you know, again, for the record, our  
3 sister agency, the Air Resources Board, is working on  
4 this, on these issues. And they are looking at laws and  
5 regulations to reduce the amount of air pollution, not  
6 only in the San Joaquin area, but statewide. And it is  
7 something that I think, again, it just promotes the fact  
8 that we do need to work closer, and we are working closer,  
9 with our sister departments within CalEPA to address these  
10 very types of issues, because they do cross over from one  
11 department to another. And so it's not happening fast  
12 enough for any of us, but it is something that the Air  
13 Board is addressing.

14 CHAIRPERSON MARIN: Thank you.

15 Okay. Next item would be Item Number 15.

16 DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
17 Chair.

18 This is the Consideration of the Grant Awards for  
19 the Farm and Ranch Solid Waste Cleanup and Abatement Grant  
20 Program, Fiscal Year 2004-05.

21 I will just go ahead and give a short  
22 presentation on this as well as the next item.

23 This item requests your approval of two grants in  
24 the amount of \$125,337 for the third quarter of this  
25 fiscal year for the Farm and Ranch Program. One of the

1 sites is in Humboldt County. It has household trash,  
2 appliances, and over 500 tires on site. The other  
3 applicant is a scattered series of ten sites in Trinity  
4 County. It's much the same in terms of the waste  
5 composition, plus it has some vehicles and agricultural  
6 waste.

7 With that, I'd like to recommend that you approve  
8 the proposed awards and adopt Resolution Number 2005-95.  
9 If you have any questions, staff is here to answer  
10 anything in more detail.

11 CHAIRPERSON MARIN: Okay. Does anybody have any  
12 questions or comments or anything?

13 Did Terry Leveille just walk down? There he is.  
14 I want you to know that I spoke your name in vain when  
15 these items came up at the Committee level.

16 MR. LEVEILLE: Thank you.

17 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
18 to move adoption of Resolution 2005-95.

19 BOARD MEMBER MULÉ: Second.

20 CHAIRPERSON MARIN: Moved by Mr. Washington,  
21 seconded by Ms. Mulé.

22 You can just substitute the previous roll call.

23 Okay. Next item.

24 DEPUTY DIRECTOR LEVENSON: Item 16 is  
25 Consideration of Approval of the Landfill Closure Loan

1 Program Loans from Moneys from the Integrated Waste  
2 Management Account, Fiscal Year 2004-2005. And, again,  
3 you should have a revised item and a revised Resolution.

4 As you know, this is a new program that was  
5 authorized by Assembly Bill 467. Regulations became  
6 effective last year, and we've received an appropriation  
7 for it for this fiscal year. The program is authorized to  
8 award interest-free loans to operators of unlined older  
9 landfills who desire to close early.

10 As part of this cycle, we received three  
11 applications from the City of Portola, County of Tuolumne,  
12 and County of Imperial. All were qualified under the  
13 regulatory eligibility provisions, but there are still  
14 questions about some of the cost estimates and about the  
15 ability to initiate projects for two of the applications.

16 Because of that, we are ready at this time to  
17 recommend approval of the award of the loan to the City of  
18 Portola for a total of \$168,000. So we recommend that you  
19 adopt Resolution 2005-96 revised, which would award a  
20 \$168,000 loan to the City of Portola. And we will  
21 continue working with Imperial and Tuolumne Counties on  
22 their applications for possible reconsideration at the  
23 June Board meeting, if warranted.

24 CHAIRPERSON MARIN: Okay, Mr. Levenson.

25 Is there a motion to that effect?



1           BOARD MEMBER WASHINGTON: Real quickly. Is it my  
2 understanding that this also gives Mark the authority in  
3 case this particular applicant doesn't do anything right,  
4 that you can go back, and he'll have the authority to go  
5 ahead and allocate the money to the other two cities or  
6 whatever you can work out to help them folks?

7           DEPUTY DIRECTOR LEVENSON: No. At this point,  
8 the Executive Director would be authorized to execute the  
9 loan agreement once it's all worked out.

10          BOARD MEMBER WASHINGTON: For this particular  
11 one.

12          DEPUTY DIRECTOR LEVENSON: For the City of  
13 Portola. But we would have to come back to you for award  
14 of the other ones.

15          BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
16 to move adoption of Resolution 2005-96 revised.

17          BOARD MEMBER MULÉ: Second.

18          CHAIRPERSON MARIN: Moved by Mr. Washington,  
19 second by Ms. Mulé.

20          Without objection, that will be the pleasure of  
21 the Board.

22          DEPUTY DIRECTOR LEVENSON: Now we're going to  
23 jump to Item 29, and thank you for indulging us in that.  
24 This is Consideration of a Resolution to Work in  
25 Partnership with the Department of Toxic Substances

1 Control Towards the Remediation of the BKK Landfill Storm  
2 Drain System.

3           Scott Walker, who's been instrumental in working  
4 with this, all the complicated facets of the BKK  
5 situation, is going to make a short presentation and  
6 update you on this. Also with us to answer any questions  
7 that you might have is Dorothy Rice, who's Deputy Director  
8 at the Department for Site Mitigation and Brownfields  
9 Reuse. So want to thank Dorothy for joining us this  
10 morning.

11           CHAIRPERSON MARIN: Thank you, Dorothy.

12           Scott.

13           (Thereupon an overhead presentation was  
14 presented as follows.)

15           BRANCH MANAGER WALKER: Good morning, Madam  
16 Chair, Board members. Again, to reiterate, Item 11 was  
17 initially prepared to consider Solid Waste Cleanup Program  
18 funding assistance for repair of the storm drain system.  
19 The item was pulled and replaced by Item 29, because the  
20 funding had been secured. And the idea, though, that it  
21 was beneficial to provide an update to the Board of the  
22 BKK situation and also Resolution of support in case we do  
23 get asked to provide assistance at a later date.

24           After a brief background, I'm going to show just  
25 a couple slides of the storm drain conditions prior to the

1 Resolution.

2 --o0o--

3 BRANCH MANAGER WALKER: Background, BKK Landfill  
4 is in an urban area in city of West Covina. It's owned  
5 and operated by BKK Corporation. There are two landfills  
6 on the site. There's a mixed or codisposal hazardous  
7 waste and municipal solid waste landfill. It's called  
8 Class I area. And a separate municipal solid waste  
9 landfill, the Class III area.

10 The Class I area operated from 1962 to 1987. The  
11 closure certification was acknowledged by DTSC in 1991.  
12 The Class I area was also subject to corrective action for  
13 groundwater contamination and other contamination releases  
14 such as air emissions.

15 The Class III landfill operated from 1987 to  
16 1996. A partial site closure plan was approved in 1996  
17 and was implemented to the extent that by 2001 about half  
18 of the site Class III area was capped and closed. Full  
19 final Class III area closure plans were approved in 2002  
20 after certification by the city of an environmental impact  
21 report. The EIR covers not just the remaining closure and  
22 post-closure, but also redevelopment activities by the  
23 city of adjacent parcels that are split off from the  
24 landfill property.

25 The pressing issues really hit a head in this

1 past fall when BKK notified DTSC that, because of  
2 deteriorating financial conditions, they would no longer  
3 perform essential operations. Essential operations at  
4 this site include operation of a leachate treatment plant  
5 and a landfill gas control system that serves both areas.  
6 So it's shared. DTSC actually began those operations in  
7 November with their emergency response contractor. They  
8 also continue a vigorous enforcement action against 51  
9 identified potentially responsible parties, or PRPs, for  
10 them to take over all operations of the Class I area as  
11 soon as possible.

12 --o0o--

13 BRANCH MANAGER WALKER: Now talk a little bit  
14 about the Class III area closure status. It's gotten a  
15 lot more complicated given the recent developments. In  
16 2004, BKK contracted out the remaining closure work for  
17 the full site closure, and the City also contracted out  
18 for a rough grading project for those lots to be  
19 developed. They both have the same contractor. And the  
20 projects are interrelated. I'll go into that when I have  
21 another slide a little later a little briefly.

22 In September, the Board was notified that cost  
23 estimates for completing the closure project were  
24 significantly higher, about \$3 million, than covered in  
25 the financial assurances mechanism, which is an insurance

1 policy, and that additional funding could not be secured  
2 by BKK to make up the difference. Staff have worked  
3 extensively with BKK, the City, the LEA, the Regional  
4 Water Board, to come up with approvable revised full  
5 closure plans, which were actually approved this February,  
6 and also an updated financial assurances mechanism to  
7 ensure sufficient funding for a scaleback Title 27 minimum  
8 standard compliant project, so that the  
9 closure/post-closure could be completed.

10 Also like to add that BKK has stated that, in  
11 spite of the financial issues, that they intend to  
12 complete the closure and implement post-closure  
13 maintenance. That's what they've attested to and continue  
14 to attest to.

15 Fortunately, it looks like now we are not going  
16 to have to go the route of potentially the Board having to  
17 complete the closure if BKK fails to do it. We've been  
18 looking into options. It would cost us considerably more  
19 if we have to bid it out again and take us a lot longer to  
20 do it, and it would be a resource drain issue.

21 This Resolution -- there's other issues with  
22 respect to insurance policy and the contractor that,  
23 rather than getting into it, was difficult. Our financial  
24 assurances section worked quite a lot with our Legal  
25 Office to try to resolve this. But it has been resolved

1 to the extent that the contractor has reported they intend  
2 to restart by July of 2005, and the project would be  
3 completed by the end of 2005.

4 --o0o--

5 BRANCH MANAGER WALKER: Critical corrective  
6 action item for BKK is the storm drain system. The storm  
7 drain system failed, part of it, a critical section of it,  
8 failed in January of '04, and there were some temporary  
9 measures taken to provide only minimal capacity. As  
10 you're all aware, Southern California just had a  
11 tremendous wet season. I think it's still not over yet,  
12 but it's probably the top five, maybe the second or first  
13 highest storm season they've ever had in recorded time.  
14 And this has resulted in progressive failure. So it's  
15 beyond just the initial failure. So it's progressed and  
16 increased. The consensus of the agency is these repairs  
17 have to be completed prior to next season.

18 There's been a tremendous administrative  
19 enforcement action by the agency's LEA Notice and Order,  
20 Regional Board, and also DTSC, which has a much broader  
21 reach into the PRPs. So a lot of aggressive action. Not  
22 just the whole situation, but specifically the storm  
23 drain. The PRPs are not addressing the storm drain repair  
24 at this time. And, therefore, DTSC and their contractor  
25 are proceeding with the final repairs to be completed by

1 next wet season. And the preliminary cost estimate is  
2 3.78 million. And, again, we were prepared to consider  
3 funding assistance, but recently were notified that it's  
4 not currently needed.

5 --o0o--

6 BRANCH MANAGER WALKER: This slide just shows an  
7 aerial view of major features. Couple points, I just  
8 noted in red here the failed storm drain system, the  
9 buried pipe area. The critical section is right next to  
10 the Class III area here close to the detention basin,  
11 which is in brown. And the main part of the storm drain  
12 failure, the long part, is actually within the Class I  
13 area.

14 The redevelopment area, just to point out to the  
15 north there, I noted the Brownfields Development Project.  
16 And the City intends a golf course, which would, in part,  
17 go over the Class III area under a lease arrangement. And  
18 then there would be a big league dreams sports complex and  
19 then a commercial development on their portion of those  
20 lots that have been split.

21 The interrelation of the projects is such that  
22 the dirt that the City needs to get rid of to do the  
23 grading for their development is to be used on the Class  
24 III closure to put the final cover on. So it sort of  
25 helps both projects to be completed. Also, the monitoring

1 and control system gets moved in closer to the new  
2 boundary, which is moved as a result of the property.

3 One of the things about the cost estimate issue,  
4 how we resolved it was basically BKK had -- beyond 27 CCR  
5 standards, the project was to include landscaping. And  
6 that was reduced significantly, which reduced post-closure  
7 costs for irrigation. And that money was able to be  
8 shifted into closure to complete the closure.

9 One of the problems, though, is that this  
10 approval of the revised plan does not relieve BKK of the  
11 responsibility to comply with all their legal requirements  
12 with the City to do the full landscaping and the full  
13 aspects of the project that they've committed to to assist  
14 in the redevelopment.

15 And right now one of the areas -- we've been able  
16 to get core aspects of that project addressed in the Class  
17 III closure plan. But the top two-and-a-half feet of the  
18 vegetative layer that's required for the golf course right  
19 now, there's not sufficient funds to do that. But we have  
20 earmarked any contingency that's left over, and that's the  
21 first part of the project that it would be used for, if  
22 not needed for Title 27 minimum standards. And we're also  
23 working with the City and BKK on trying to assist in that  
24 also.

25 --o0o--



1           BRANCH MANAGER WALKER: Just to get into the  
2 critical failure area. This is a shot showing that  
3 critical area looking down into the detention basin, the  
4 upper detention basis. The temporary repairs, they  
5 created an open trench, removed the damaged pipe,  
6 essentially collapsed metal pipe. And then there's a  
7 tarping that's on top of the area to reduce infiltration  
8 and erosion such that that slope does not fail. And one  
9 thing to point out is just to the left or to the Board  
10 members' right is the leachate treatment plant and gas  
11 plant. If there's a major failure, the access and the  
12 functioning of those plants could be severely compromised.  
13 And that would be a real serious problem.

14           The other thing to keep in mind is that  
15 essentially what happened here, we believe, is that the  
16 pipe is a corrugated metal pipe and buried in most places,  
17 essentially corroded, broke, collapsed. And then the  
18 runoff and sediment basically bypassed the pipe. And you  
19 had collapse up above the pipe. So this just progressive  
20 failure continued.

21                               --o0o--

22           BRANCH MANAGER WALKER: This is a close-up, and  
23 it shows there is some waste that's exposed along this  
24 site and waste that's gone into this open trench. This  
25 was taken February 28th after a real big series of storms.

1 And this pipe goes through this access road. And a lot of  
2 this right now -- this is an area that is really of  
3 concern and needs to be final repairs in as soon as  
4 possible.

5 And, again, just to let you know, I mean, we have  
6 been working quite closely with all the different  
7 agencies. We've been spending quite a bit of time on this  
8 project and hope we could make everything happen to make  
9 all the necessary repairs and the site conditions improve.  
10 This is the area -- this is an example --

11 --o0o--

12 BRANCH MANAGER WALKER: -- of a location where  
13 above the pipe is collapsed as a result of the pipe  
14 failure. This is within the Class I area. There's a  
15 number of these locations, and they just popped up as the  
16 season has come about and gotten bigger and bigger.

17 We are really fortunate, we feel, that we haven't  
18 had any more serious problems at the site. Season's not  
19 over yet, but I think we're optimistic that we're going to  
20 make it to the end of the season.

21 --o0o--

22 BRANCH MANAGER WALKER: And then the final slides  
23 of shots of the site. This is the upper detention basin.  
24 And just note it's filled with sediment, and its capacity  
25 is minimal. If it's filled with sediment, we get

1 potential overflow of the basin and a complete failure of  
2 the basin. Also, the screen is keeping some of the trash  
3 from downstream. So we're really close to that ultimate  
4 capacity. And that's a serious problem with respect to  
5 the functioning of this basin into the future.

6 Another factor is that we currently have a lower  
7 detention basin, which gives some safety factor. But with  
8 the City's redevelopment project, they're going to grade  
9 over that area. And so we're not going to have that until  
10 possibly as early as next season. That's why the repairs  
11 are really, really important to do and to complete this  
12 summer.

13 --o0o--

14 BRANCH MANAGER WALKER: Basically, in conclusion,  
15 staff are recommending a Resolution 2005-91 to support  
16 DTSC's storm drain project, provide ongoing technical  
17 assistance, and if needed in the future, bring forward to  
18 the Board potential future consideration of projects and  
19 funding per the Solid Waste Cleanup Program, subject to  
20 the requirements of the program.

21 Again, I'd be happy to answer any questions. And  
22 I believe we also have Steve Samaniego, the City of West  
23 Covina LEA, here.

24 CHAIRPERSON MARIN: Thank you, Scott.

25 Are there any questions?

1           Mr. Washington.

2           BOARD MEMBER WASHINGTON: Scott, I have a brief  
3 question. How long is that drain? It shows here, but  
4 what are we talking in terms of how long this drain is?

5           BRANCH MANAGER WALKER: Well, the estimates right  
6 now -- they're coming up with the final estimates of what  
7 needs to be repaired. But it's over a mile of piping.

8           BOARD MEMBER WASHINGTON: It looked pretty long.

9           BRANCH MANAGER WALKER: Like mile and a half,  
10 possibly.

11          BOARD MEMBER WASHINGTON: We don't know within  
12 that amount how much needs to be repaired and taken in?

13          BRANCH MANAGER WALKER: That's being determined  
14 right now. There's been some investigation, and it will  
15 probably get all completely sketched out and designed  
16 sometime by the end of this month and early May.

17          CHAIRPERSON MARIN: Is Mr. Samaniego here, as I'm  
18 looking at him?

19          MR. SAMANIEGO: Thank you. Madam Chair Marin and  
20 Board members, I'm here, the Local Enforcement Agency for  
21 the City of West Covina. And I'd like to also mention  
22 Andrew Pasmant, the City Manager, was unable to attend,  
23 but he did want to come. He had conflict with a City  
24 Council meeting tonight as well.

25          But, basically, what we're here for is to thank

1 the Board and recognize the support you're giving the city  
2 and local enforcement agency there. It's a rather complex  
3 site, and we'd like to give special thanks to Scott Walker  
4 with his attention there in the city. This is one good  
5 example where we have a real good coordination with State  
6 Board's technical assistance there in a local agency with  
7 city of West Covina. And, I mean, we're getting tons of  
8 e-mails from Scott. He's visiting the site. He's meeting  
9 with the City Manager on many occasions, talking with us.  
10 Madam Chair has been there as well to the city. We'd like  
11 to recognize and thank you for that support. And because  
12 the site is so complex, this is the time and period we do  
13 need that. So thank you very much.

14 CHAIRPERSON MARIN: Thank you, Mr. Samaniego.  
15 Dorothy, would you please come forward.

16 MS. RICE: Madam Chair and Board members, Dorothy  
17 Rice with the Department of Toxic Substances Control.

18 I just wanted to join Steve in thanking the Board  
19 and the staff so much on behalf of our director, B.B.  
20 Blevins. We really appreciate the ongoing technical  
21 assistance and support. It's been a team effort to meet  
22 the challenge we've all had to face with the landfill  
23 here. So we really appreciate your support.

24 CHAIRPERSON MARIN: Thank you, Dorothy.

25 Any further questions, comments?

1 Ms. Peace.

2 BOARD MEMBER PEACE: I just have a question.

3 So this Resolution is only to work in partnership  
4 with DTSC on the remediation of the storm drain system?

5 BRANCH MANAGER WALKER: The Resolution speaks to  
6 the storm drain system repairs, but it also recognizes if  
7 there's other potentially qualifying actions the Board  
8 might consider.

9 BOARD MEMBER PEACE: I read they're having  
10 problems with the leachate treatment plant and the gas  
11 systems and --

12 BRANCH MANAGER WALKER: There is the potential --  
13 again, there hasn't been anything specifically identified.  
14 But we think that very possibly there might be something  
15 else that we have to come back in to consider, given the  
16 complexity of this situation. And we would work  
17 diligently at it, and also make sure that it would be  
18 brought before the Board for separate consideration on an  
19 expedited basis and make sure it meets program  
20 requirements.

21 Right now, really the storm drain -- if the storm  
22 drain project exceeds those costs, we might be asked to  
23 come in to help. And that's the only identifying project  
24 at this time that we may in the future be bringing before  
25 you.

1           BOARD MEMBER PEACE: But when it says that BKK  
2 can no longer perform the required post-closure care or  
3 operate the leachate treatment plant or do activities that  
4 involve the maintenance of the groundwater extraction  
5 systems, if they're unable to do that, who is doing that?

6           BRANCH MANAGER WALKER: Right now, DTSC is  
7 handling those essential operations. And they are, with  
8 their enforcement actions, trying to as soon as possible  
9 get the PRPs to take it over. So right now, DTSC is  
10 covering it. And we hope that the PRPs will be --

11          MS. RICE: Scott's correct. We are expending  
12 considerably more than the funds that are identified in  
13 your item for the storm drain repair project. We are  
14 managing all systems at the Class I side of the landfill,  
15 expending close to 500,000 a month just to operate the  
16 systems. So the storm drain repair project is just a  
17 specific project on top of those ongoing monthly costs.

18          Just at this point, we've been fairly successful  
19 in working with the potentially responsible parties,  
20 obtaining some funding there, and in getting a  
21 considerable General Fund augmentation to our current year  
22 budget. So we very much appreciate that the Board was  
23 willing to consider financial assistance. At this point,  
24 we think we've got it covered for the short term, for the  
25 next three months, essentially.

1           BOARD MEMBER PEACE: How do you plan to cover it  
2 for the long term?

3           MS. RICE: We are pushing very hard on the  
4 enforcement action. Ultimately, there are many parties  
5 who are responsible for this landfill rather than the  
6 State of California.

7           BOARD MEMBER PEACE: Thank you.

8           CHAIRPERSON MARIN: Thank you very much.

9           Any further questions?

10          Is there a motion?

11          BOARD MEMBER MULÉ: I'd like to move adoption of  
12 Resolution 2005-91.

13          BOARD MEMBER WASHINGTON: Second.

14          CHAIRPERSON MARIN: Moved by Mulé and seconded by  
15 Mr. Washington.

16          And just substitute the previous roll call  
17 without objection.

18          Okay. The next item -- that's it for you,  
19 Mr. Howard Levenson.

20          It's almost noon. Should we leave Special Waste  
21 and the remaining for after lunch? Okay. We'll give  
22 everybody a break then. Let me just check with my  
23 colleagues. An hour -- to 1:30. We'll be back at 1:30.

24          (Thereupon a lunch recess was taken.)

25          CHAIRPERSON MARIN: Let's call the roll anyway.



1 EXECUTIVE ASSISTANT JIMENEZ: Peace?

2 BOARD MEMBER PEACE: Here.

3 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

4 BOARD MEMBER MULÉ: Here.

5 EXECUTIVE ASSISTANT JIMENEZ: Marin?

6 CHAIRPERSON MARIN: Here.

7 Any ex partes?

8 Ms. Peace.

9 BOARD MEMBER PEACE: I had lunch with Terry  
10 Leveille.

11 CHAIRPERSON MARIN: Ms. Mulé?

12 BOARD MEMBER MULÉ: I'm up to date.

13 CHAIRPERSON MARIN: And I did touch bases with  
14 Mr. Leveille right after the meeting, but it had really  
15 nothing related to the Board.

16 Next item. Who's going to be -- Ms. Peace, you  
17 had a wonderful Committee, and you had two new members in  
18 your Committee. They were really wonderful members.

19 BOARD MEMBER PEACE: Yes, they were wonderful  
20 members. We had a good Committee meeting. We have a  
21 different Special Waste Committee. I'm now joined by  
22 Chair Marin and Board Member Mulé. And I think it's going  
23 to be a great Committee.

24 Do you want me to proceed?

25 CHAIRPERSON MARIN: Go ahead.

1           BOARD MEMBER PEACE: I guess I'll give my little  
2 Special Waste report.

3           Before the Committee got started actually  
4 discussing the agenda items, we had a good discussion on  
5 the Tire Conference and how the Board could get  
6 tire-related information to more of our stakeholders. We  
7 discussed holding more seminars or workshops up and down  
8 the state on specific topics such as enforcement,  
9 inspection, grants and financial assistance, and the  
10 manifest system. So staff will be making some changes to  
11 the Tire Conference line item in the five-year revision to  
12 reflect our discussion.

13           We heard six items in Special Waste. An  
14 informational update on the Used Oil Block Grant Program  
15 was heard at Committee only. The Board, through the Used  
16 Oil Block Grant Program, has had great success in  
17 collecting used oil. We estimate that approximately 80  
18 percent of the used oil statewide is collected, but only  
19 about 5 percent of the used oil filters are collected. So  
20 Oil staff will be directing more of their efforts toward  
21 emphasizing used oil filter collection. One of the  
22 obstacles is that many places that take the used oil don't  
23 have the space to collect the oil filters. But I'm sure  
24 our staff is up to that challenge.

25           Three items had full Committee support and were

1 placed on fiscal consent. The item to adopt the proposed  
2 emergency regs for the California Uniform Waste and Used  
3 Tire Manifest System was moved to the full Board, as the  
4 Committee wanted the proposed regs to make it very clear  
5 that the waste tire haulers would be allowed to use their  
6 own Board-approved invoices if reporting to the Board via  
7 EDT or the web.

8 We had an item to adopt the Negative Declaration  
9 approval of the Beebe Family Ranch waste tire site  
10 remediation project, and that was moved to the full Board.  
11 Ms. Karen Gerbosi of the Beebe Family Ranch will be here  
12 to address the Board on this item.

13 That concludes my report.

14 CHAIRPERSON MARIN: Thank you.

15 I just want the record to show that Mr.  
16 Washington has joined us now.

17 And with that, Mr. Lee, you're going to go ahead  
18 and make the presentations.

19 DEPUTY DIRECTOR LEE: Thank you, Madam Chair, and  
20 good afternoon, Board members. My name is Jim Lee, Deputy  
21 Director of the Special Waste Division.

22 Madam Chair, Board Item 20 is Consideration of  
23 the Grant Awards for the Waste Tire Playground Cover Grant  
24 Program and Waste Tire Track and other Recreational  
25 Surfacing Grant Program, Tire Recycling Management Fund,

1 Fiscal Year 2004-05.

2 This item was heard before the Special Waste  
3 Committee and recommended for consent. This item  
4 represents the successful implementation of Board-approved  
5 cost per tire diverted criterion, which has made the  
6 program more cost effective.

7 Please note there are two Resolutions for the  
8 Board to consider this afternoon on this item. First with  
9 regards to the Playground Cover Grant award, staff  
10 recommends the Board award \$798,719 to six identified  
11 applicants on List A in Resolution 2005-97. Furthermore,  
12 staff requests the Board conditionally approve the ranking  
13 of projects on List B to be awarded funds, should  
14 allocated funds become available, or at the Board's  
15 discretion during reallocation.

16 With regards to the Waste Tire Track and other  
17 Recreational Surfacing Grant, staff recommends the Board  
18 approve the award of \$800,000 to nine identified  
19 applicants in List A of the Resolution 2005-102.  
20 Furthermore, staff requests the Board conditionally  
21 approve the ranking of projects on List B to award funds,  
22 should allocated funds become available or at the Board's  
23 discretion at reallocation.

24 In conclusion, staff requests the Board approve  
25 Resolutions 2005-97 and 2005-102.

1           CHAIRPERSON MARIN: Okay. Are there any  
2 questions? Is there a motion?

3           BOARD MEMBER PEACE: I don't have any questions.  
4 I want to say, even with the cost per tire criteria that  
5 we put into place, both programs were still  
6 oversubscribed.

7           And I guess I have to say I was kind of saddened  
8 to read that article that was in the paper this morning  
9 about, you know, the playground being vandalized.

10          But other than that, I don't have anything.

11          CHAIRPERSON MARIN: If I might just add, it is  
12 very sad. It's sad that arsonists would utilize a  
13 playground to advance whatever statements they want to  
14 make. It's just very, very tragic. I'm happy to know  
15 that nobody was injured. I just think it's really -- I  
16 feel the same way when they do anything to libraries or  
17 schools. This is for children, for crying out loud.

18          It sounds to me, from reading the article, that  
19 somebody has an agenda, that there's -- it's very tragic.  
20 Very tragic.

21          But nevertheless, what I do want to say, thanks  
22 for pushing the fact lower the cost per tire to \$15. And  
23 I'm actually looking forward to maybe next year further  
24 reducing that so we get more tires out of there per dollar  
25 or per millions of dollars that we have out there.

1           Without any further discussion, is there a  
2 motion?

3           BOARD MEMBER PEACE: I would like to move  
4 Resolution Number 2005-102, Consideration of the Grant  
5 Awards for the Waste Tire Track and Other Recreational  
6 Surfacing Grants for Fiscal Year 04-05.

7           BOARD MEMBER MULÉ: Second.

8           BOARD MEMBER PEACE: Should I do it one at a  
9 time?

10          CHIEF COUNSEL CARTER: It would be better to do  
11 them separately.

12          CHAIRPERSON MARIN: So first is the 102.

13          BOARD MEMBER WASHINGTON: Second.

14          CHAIRPERSON MARIN: Moved by Peace, seconded by  
15 Mr. Washington.

16          Call the roll.

17          EXECUTIVE ASSISTANT JIMENEZ: Peace?

18          BOARD MEMBER PEACE: Aye.

19          EXECUTIVE ASSISTANT JIMENEZ: Mulé?

20          BOARD MEMBER MULÉ: Aye.

21          EXECUTIVE ASSISTANT JIMENEZ: Washington?

22          BOARD MEMBER WASHINGTON: Aye.

23          EXECUTIVE ASSISTANT JIMENEZ: Marin?

24          CHAIRPERSON MARIN: Aye.

25          BOARD MEMBER PEACE: I'd like to move Resolution

1 2005-97, Consideration of the Grant Awards for the Waste  
2 Tire Playground Cover Grant Program, Fiscal Year  
3 2004-2005.

4 BOARD MEMBER WASHINGTON: Second.

5 BOARD MEMBER MULÉ: Second.

6 CHAIRPERSON MARIN: Moved by Peace, seconded by  
7 Mulé.

8 Without objection, that will be the unanimous  
9 pleasure of this Committee.

10 Okay. Item 21.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

12 Item 21 is Consideration of Scope of Work for  
13 Agreement with the California Highway Patrol to Conduct  
14 Enhanced Enforcement, Security Assistance, Education,  
15 Training, Investigative Assistance, and Surveillance for  
16 the Waste Tire Enforcement Program, Tire Recycling  
17 Management Fund, Fiscal Year 2004-2005.

18 This agenda item, Scope of Work, and Resolution  
19 have been revised to reflect the direction discussed at or  
20 received at the Special Waste Committee meeting.  
21 Specifically, the Scope of Work has been revised to make  
22 it more explicit that all tasks are to be conducted under  
23 the direction of Board staff, and the term of the  
24 agreement is to run through June 30th, 2007. The  
25 Resolution has been revised to make it clear that fiscal

1 year 2004-05 funding is to be used to support the CHP work  
2 in the 05-06 and 06-07 fiscal years. The Resolution of  
3 the agenda item also reflects the requested funding for  
4 this effort is to be reduced from 400,000 to 375,000.

5 In conclusion, staff recommends the Board approve  
6 Resolution 2005-99 as revised.

7 CHAIRPERSON MARIN: Very good, Mr. Lee.

8 Is there any discussion on this item?

9 Ms. Peace.

10 BOARD MEMBER PEACE: Before I make the motion, do  
11 I just say revised, or is this revision two?

12 CHIEF COUNSEL CARTER: I don't have the revised  
13 copy, so I'm not certain what's on either.

14 CHAIRPERSON MARIN: I have the revised -- the  
15 revised, revised.

16 BOARD MEMBER PEACE: Is it revised, revised, or  
17 just say revised.

18 DEPUTY DIRECTOR LEE: It should be just revised.  
19 The confusion was staff had attempted to bring some  
20 changes to the item before the Committee meeting. Those  
21 weren't noticed in BAWDS. So this basically is the first  
22 revision that appears in BAWDS, the one that you have  
23 before you this afternoon.

24 BOARD MEMBER PEACE: I'd like to move Resolution  
25 Number 2005-99 revised.



1 BOARD MEMBER MULÉ: Second.

2 CHAIRPERSON MARIN: Moved by Peace, seconded by  
3 Mulé.

4 And we'll substitute the previous roll call.

5 Okay, the next item.

6 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

7 CHAIRPERSON MARIN: Actually, you know, before we  
8 go, I'd really like to appreciate the hard work. I kept  
9 calling him Bernie, and it's not Bernie. Where is  
10 Mr. Hanna? Thank you so very much. He worked so hard,  
11 Darryl. Darryl Hanna. Thank you so very, very much for  
12 all your hard work.

13 I told him I would do that. Didn't I advise you  
14 I would do that? Thank you so very much.

15 Okay. Thank you, Mr. Lee.

16 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

17 Board Item 22 is Consideration of Adoption of  
18 Negative Declaration and Approval of the Beebe Family  
19 Ranch Waste Tire Site Remediation Project.

20 The Beebe Family Ranch site, along with several  
21 other sites referred to as the Sonoma sites, constitute  
22 the largest known remaining tire piles in the state of  
23 California. The owners of these sites contend the tires  
24 were placed for legitimate erosion control purposes under  
25 the osmosis of a local governmental entity, Soil

1 Conservation District, and well before the advent of laws  
2 regulating tire use and disposal by the Board.

3           Among other considerations, concerns of  
4 environmental impacts associated with the tire cleanup  
5 slowed progress on remediation. Giving due deference to  
6 the landowners' arguments and the environmental  
7 sensitivity, in July 2003, the Board approved the  
8 possibility of a negotiated cost recovery of tire  
9 remediation costs, with the landowners' commitment to  
10 secure all necessary permits and pay for any necessary  
11 environmental mitigation measures.

12           Today's action is a request for the Board to  
13 approve adoption of the Negative Declaration prepared  
14 under the direction of Board staff, in fulfillment of the  
15 Board's CEQA lead agency responsibility on this project.  
16 In addition, as the item includes consideration of  
17 approval of the project, Ms. Karen Gerbosi will provide an  
18 update at today's Board meeting with respect to the Beebe  
19 Family Ranch fulfilling the conditions previously set by  
20 the Board for negotiated cost recovery, after which the  
21 Board may retire to closed session to deliberate a  
22 decision on an offer of compromise as to this matter.

23           I'll ask Bob Fujii to make the remainder of the  
24 staff presentation.

25           SPECIAL WASTE DIVISION SUPERVISOR FUJII: Good

1 afternoon, Board members. Bob Fujii, Special Waste  
2 Division.

3 Just adding a few comments to what Jim had said.  
4 All things going well, we're scheduled to begin  
5 remediation of this site in June of this year. Be the  
6 first one that we're going to be doing in this area. And  
7 it's due in large part to the efforts of this landowner  
8 who was diligent and kept on top of the environmental  
9 issues on this particular site. There are very  
10 complicated environmental issues associated with a lot of  
11 the sites. And it's in large part due to her efforts  
12 we're going to be doing this site hopefully in June. At  
13 this point in time, Jim pretty much covered his  
14 presentation. Be happy to answer any questions.

15 CHAIRPERSON MARIN: Are there any questions?

16 BOARD MEMBER WASHINGTON: Madam Chair, not so  
17 much any questions. But, Madam Chair, let me say publicly  
18 I really do appreciate the efforts on behalf of Karen  
19 Gerbosi and all the efforts she has made.

20 When I came to this Board, one of the first  
21 projects I had to go to was to go out to Sonoma tire  
22 sites. And she was one of them who was open, and she was  
23 really eager to get this thing done. So I am very  
24 appreciative to her for all her efforts to try to conclude  
25 this situation that we have before us. And I just want to

1 tell you, Karen, thank you so much for working with us to  
2 help remediate this project that we're trying to conclude  
3 now. Thank you.

4 CHAIRPERSON MARIN: Okay. Thank you. I think  
5 we've all been to that site. And we appreciate the work  
6 that you have done. I think as far as we're all  
7 concerned, we wish all of this would have happened a few  
8 months ago, if not a few years ago. But here we are.

9 And so what we're going to do is we're going to  
10 approve the Resolution 2005-100, and then the closed  
11 session -- because there are items in closed session,  
12 we're going to hold on other items. We're going to hold  
13 our closed session after we finish the Board agenda. So I  
14 don't want to break it for this and then come back. So  
15 we're just going to continue. But you don't need us to do  
16 anything now, except approve this Resolution right now?

17 DEPUTY DIRECTOR LEE: Yes. Of course,  
18 Ms. Gerbosi is prepared to speak with regards to  
19 fulfilling the conditions the Board has imposed for the  
20 negotiated cost recovery, and that should probably occur  
21 in open session.

22 CHAIRPERSON MARIN: Okay. Do you want to come in  
23 and address the Board, Ms. Gerbosi?

24 MS. GERBOSI: Yes, I do.

25 CHAIRPERSON MARIN: Thank you for being here.

1 MS. GERBOSI: You're very welcome. It's been a  
2 long time coming. Good afternoon, Madam Chair and members  
3 of the Board. My name is Karen Gerbosi. And I'm here  
4 today in support of Resolution 2005-100 and to present  
5 information to facilitate the Board's consideration of  
6 negotiated cost recovery for our project.

7 I represent the Beebe Family Ranch, which is  
8 owned by my brother, my sister, and me. And the ranch has  
9 been in our family since 1954, over 50 years. We are one  
10 of the legacy tire sites in Sonoma County. In the '70s,  
11 my father began accepting used tires to stop erosion in  
12 the adobe ravines on our ranch. Using tires was a common  
13 practice. It was recommended by the Soil Conservation  
14 District and could be delivered at no cost.

15 As stated in the Cleanup and Abatement Order, in  
16 recommending the beneficial reuse of waste tires as  
17 erosion control, the Soil Conservation District was  
18 exercising its legislative authority to provide landowners  
19 with guidance as to soil conservation measures on behalf  
20 of the State. At that time, it was a perfect solution.

21 My father was in poor health. And after he died,  
22 my mom determined there were sufficient tires to  
23 accomplish the objective, and told the tire haulers to  
24 stop. They ignored her instructions and were able to  
25 bring more trucks on our property undetected since her

1 home was over a mile from the tire site. When she  
2 happened to encounter a truck leaving our property, she  
3 did what she could to find out where the drivers were  
4 coming from, getting license plate numbers, and  
5 confronting truck drivers. She had her attorney write  
6 letters demanding it stop and was eventually successful.

7           The last tires were put on our ranch over  
8 20 years ago. This accepted practice required no  
9 documentation, authorization, or permits, and there was no  
10 regulations prohibiting this practice until 1992.

11           However, I think it's also fair to acknowledge  
12 that even though these tires are now a problem and must be  
13 removed, my father's purpose with placing them in our  
14 ravines has been accomplished. If he had done nothing and  
15 just let nature take its course, a lot of pasture land  
16 would now have washed downstream over the past 25 years.

17           When my mom died, I became manager of our ranch.  
18 In early 2000, I began meeting with the owners of the  
19 other legacy tire sites under the direction of the  
20 Southern Sonoma County Resource Conservation District, the  
21 RCD.

22           After a public workshop on the Sonoma County  
23 legacy waste tire sites in late 2002, we retained an  
24 engineering firm to prepare a detailed site survey. We  
25 also retained Diane Renshaw to prepare a biological survey

1 and jurisdictional wetland surveys. These two surveys  
2 require site evaluation during all four seasons of the  
3 year and were not completed until late 2003. These  
4 surveys, along with the mapping performed by EBA, provide  
5 the foundation for various permits, applications, and our  
6 restoration and erosion control design.

7           We retained these and other experts on our own  
8 and well before the July 2003 Board Resolution and  
9 subsequent willingness to negotiate agreement. We  
10 contracted to have these studies and information prepared,  
11 because we knew that they were needed to plan our project  
12 and apply for the necessary permits.

13           In December of 2003, we submitted the wetland  
14 delineation to the U.S. Army Corps and received their  
15 official wetland determination in March of 2004.

16           In 2004, we retained a geotechnical firm to  
17 perform test borings and lab work that were needed for the  
18 grading plans and other restoration and erosion control  
19 work. We also retained a firm to develop a site  
20 restoration and erosion control plan and received a tire  
21 removal work plan from the Board's tire removal  
22 contractors.

23           The reports and plans developed by our  
24 professionals supported the permit applications we  
25 submitted eight months ago in August of 2004. The

1 previous year and a half of work had to be accomplished to  
2 provide the necessary documents for our applications.

3 We submitted information for the CEQA initial  
4 study checklist and applications to the California Fish  
5 and Game, Regional Water Quality Control Board, U.S. Army  
6 Corps of Engineers, and Sonoma County PRMD. We also  
7 provided plans to the U.S. Fish and Wildlife and the  
8 California State Water Resources Control Board. We've  
9 applied for permits, approvals, and determinations from  
10 seven different federal, state, and county agencies.

11 A key factor -- this is in response to your  
12 question last Wednesday. A key factor in why it has taken  
13 so long to get where we are now is how long some of the  
14 studies take. For instance, the biological survey had to  
15 be conducted through all four seasons, and the processing  
16 of some of the permits, which has now taken eight months  
17 so far and we still haven't completed them all.

18 Early in this process, we met with other tire  
19 site landowners and the RCD. Initially, we had hoped that  
20 working with this group would be useful. However, we  
21 found that we weren't in agreement on strategy and issues  
22 concerning CEQA lead agency.

23 In early 2004, the Board resolved the lead agency  
24 matter by committing to be CEQA lead agency for our  
25 project. We then stopped meeting with the RCD and the



1 other landowners since we wished to be more proactive. We  
2 were well underway with completing the wetlands  
3 delineation and biological assessment for our site when  
4 the Board passed Resolution 2003-383 establishing the  
5 Group I tire sites and then issued each site a Cleanup and  
6 Abatement Order and an acknowledgement of willingness to  
7 negotiate agreement.

8           It is now eight months since we submitted our  
9 applications. Some of them are complete, and we are  
10 handling the last details on the others. For instance,  
11 the Regional Water Quality Control Board requires the CEQA  
12 document that will be provided with the Board's approval  
13 of Resolution 2005-100.

14           We have been very cooperative with the Board and  
15 Board staff and have worked very hard to be partners in  
16 the accomplishment of this project. I believe we have  
17 been a model for how citizens can work together  
18 successfully and productively with the Board.

19           We considered bids from six different grading  
20 contractors and site restoration firms. We've negotiated  
21 contracts with circuit right of productions for our site  
22 restoration for \$147,000, with Campbell Grading for  
23 \$108,000, with EBA Engineering for project management for  
24 another \$30,000. In total, we have contractual  
25 obligations for almost \$300,000.

1           We're in the process establishing contracts for  
2 erosion control materials and labor, irrigation,  
3 maintenance, site preparation, pre-construction red-legged  
4 frog survey, and biological monitoring. These services  
5 are expected to cost another additional \$150,000.  
6 Allowing for contingencies, we believe we will spend  
7 almost a half a million dollars to accomplish this  
8 project, and this is in addition to the \$160,000 we've  
9 already spent.

10           Our financial details are in documents that we  
11 gave to Steve Levine of your Legal Office. I understand  
12 from Steve that he and Board staff have reviewed the  
13 documentation we've provided and found it to be  
14 sufficient.

15           These are not funds that any of us have. In  
16 fact, my brother and sister and I expect that each of us  
17 is going to have to take out a second mortgage on our home  
18 to provide the cash that we need to do this project.

19           We also wish you to take into consideration the  
20 relationship of our expenses to the market value of our  
21 property, which is estimated at \$825,000. When our  
22 property is restored, we expect we will sell it to repay  
23 the loans we've taken out and to satisfy the State's lien  
24 for cost recovery. It is our fervent hope that our loans  
25 and the lien for cost recovery don't exceed the market

1 value of our property. I ask that you take into  
2 consideration our outstanding cooperation with the Board,  
3 all the work we've done, and our extensive expenses.

4 Bob Fujii has worked with us through this whole  
5 process and can also tell you about our teamwork and all  
6 of our efforts.

7 In closing, I urge approval of Resolution  
8 2005-100, and I request your negotiations of as favorable  
9 a cost recovery formula as possible, considering our many  
10 positive mitigating factors.

11 Thank you very much for your time and  
12 consideration. We greatly appreciate the Board's  
13 continued support on this very challenging project. We're  
14 very satisfied with the support that has been shown us by  
15 Board staff, particularly Albert Johnson and Bob Fujii.  
16 And, of course, we would love to have the Board visit our  
17 tire site when removal begins in June. Thank you very  
18 much. And do you have any questions?

19 CHAIRPERSON MARIN: Thank you, Ms. Gerbosi. I  
20 really appreciate it.

21 And the item before us is just a Resolution.  
22 Later, once we finish our Board meeting, we'll go into  
23 closed session and discuss the recovery options that we  
24 have.

25 But with that, unless there is any other further

1 comments, is there a motion?

2 BOARD MEMBER MULÉ: I'd like to move Resolution  
3 2005-100.

4 BOARD MEMBER PEACE: Second.

5 CHAIRPERSON MARIN: Moved by Ms. Mulé and  
6 seconded by Ms. Peace.

7 Without objection, we'll substitute the previous  
8 roll call.

9 Thank you.

10 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

11 Board Item 23 is Consideration of the Adoption of  
12 Proposed Emergency Regulations and Request for Direction  
13 to Formally Notice Amendments to the California Uniform  
14 Waste and Used Tire Manifest System.

15 This item was heard before the Special Waste  
16 Committee. Various clarifying revisions to the proposed  
17 regulations were provided to the Committee on an errata  
18 sheet, and others were discussed verbally. At the request  
19 of staff, this item was held over to be heard at today's  
20 Board meeting to allow time for compilation of all  
21 proposed changes into a revised Attachment 2, which you  
22 have before you. These clarifying changes proposed by  
23 staff appear as highlighted areas, and all changes from  
24 the existing regulations appear in strike out and  
25 underline.

1           As you will note, these changes for the most part  
2 are to make more explicit that haulers may use their  
3 existing manifest in complying with the electronic data  
4 transfer and web-based reporting options available under  
5 these regulations, as long as they contain all the  
6 necessary manifest information and have been pre-approved  
7 by Board staff.

8           In conclusion, staff believes these changes  
9 effectively capture the intent of the Board to minimize  
10 demands on stakeholders and to facilitate their interest  
11 in and use of the conventional EDT or web-based EDT  
12 options. However, if the Board feels that these revisions  
13 do not go far enough in clarifying intent, please take  
14 into consideration these are emergency regulations only  
15 and additional opportunities will present themselves for  
16 further clarifying the language, if necessary, as we go  
17 through the process of developing the final regulations.

18           That concludes staff's presentation. Excuse me.  
19 I would like to introduce Tom Micka to the respond to the  
20 Board's questions on the specifics.

21           CHAIRPERSON MARIN: Thank you, Tom.

22           I know we went through this with Special Waste,  
23 and I believe are pretty satisfied now.

24           BOARD MEMBER PEACE: Well, actually --

25           CHAIRPERSON MARIN: I misread.

1           BOARD MEMBER PEACE: I saw what they did, and I  
2 see the intent is there. But some of the things still  
3 aren't as clear. The language still isn't as clear and  
4 consistent as I would like to see. And parts of where  
5 they made the changes, it still says "form." Some parts  
6 say "EDT form." So it's not consistent, so we don't know  
7 if they're talking about the same thing. And nowhere  
8 still does it say that the hauler can use their own  
9 invoice if they're using the EDT system or web-based  
10 system if it's approved by the Board. I know the intent  
11 is there.

12           So what I'm suggesting we do is go ahead and  
13 adopt the emergency regulations the way the staff has them  
14 here, and then we'll work with staff to make the  
15 clarifying changes before we put through the final  
16 regulations.

17           CHAIRPERSON MARIN: Okay. Let me ask you,  
18 because this is -- as long as the intent is there, that  
19 would cover us from a legal perspective; is that correct?  
20 I mean, the intent is very clearly specified there.

21           CHIEF COUNSEL CARTER: I understand that the  
22 intent and the language can be read in such a way that we  
23 feel comfortable that the intent is identified and  
24 understandable to third parties.

25           CHAIRPERSON MARIN: To me, that would be the most

1 important thing. So long as the language of intent is  
2 clear, then it's a lot easier to deal with. So if that  
3 obstacle, if you will, or that little struggle is clear,  
4 then we should be okay.

5 But I agree with you. I think for the permanent  
6 regulations, there should be no doubt anywhere as to what  
7 we really mean here. But I think that if the intent is  
8 clear, then it should be okay. Okay.

9 BOARD MEMBER PEACE: I would like to make sure  
10 that staff would work with my office and the Special Waste  
11 Committee, make sure before they put through the final  
12 regulations that everything is clear.

13 CHAIRPERSON MARIN: You know what I might  
14 suggest? If you have specific language that you think  
15 makes it abundantly clear, that you provide that to staff.

16 BOARD MEMBER PEACE: I do, and I will provide my  
17 marked up copy.

18 CHAIRPERSON MARIN: If I read it, I'd probably  
19 say, what does she mean? I'm kidding.

20 DEPUTY DIRECTOR LEE: We understand the Board's  
21 intent, so we concur with Ms. Peace's suggestion to work  
22 with her and her staff again before we promulgate the  
23 final set of regulations. I would hope it's clear to the  
24 Board that staff was -- we share the Board's desire,  
25 again, to make the EDT program workable. And we clearly

1 have the intention that the EDT and web based be such that  
2 the haulers can use their own manifests in lieu of -- kind  
3 of use their own invoices in lieu of the CTL form.

4 CHAIRPERSON MARIN: We made that very clear,  
5 especially at the workshops and at the Tire Conference,  
6 didn't we?

7 I'm going to put Terry Leveille on the spot. I  
8 don't like to do that often, but Terry can handle it. Are  
9 you pretty satisfied that your customers, your clients,  
10 and people that would have to fill this out that they know  
11 what the intent here is?

12 MR. LEVEILLE: Madam Chair, Terry Leveille, TL &  
13 Associates representing the California Tire Dealers, BAS  
14 Recycling, and Lakin Tire West.

15 I have sent them copies of what was going through  
16 the Committee with some -- I think they have the errata  
17 sheet with it. And at this point, I haven't heard  
18 anything back.

19 I've looked at it. It seems like -- for the tire  
20 dealers, particularly, they're going to enjoy it, because  
21 basically it takes them off the hook. And Lakin, of  
22 course, works with the EDT process, which is more advanced  
23 than the web based. And so they don't have any problems  
24 with it. So as far as the tire dealers are concerned,  
25 they seem to be very happy.



1           CHAIRPERSON MARIN: I would ask you, Terry, if  
2 when we're making the permanent regulations, if there's  
3 language that you think that would make it even further --  
4 that would offer more clarity than what it is, that you  
5 would submit that language.

6           MR. LEVEILLE: This is subsequent to the  
7 emergency regulations? I think what we're going to find  
8 with emergency regulations is if people come out of the  
9 woodwork, we're going to start seeing some stuff. But for  
10 the most part, I haven't heard any complaints.

11          CHAIRPERSON MARIN: Excellent. Thank you very  
12 much.

13          With that --

14          BOARD MEMBER PEACE: I guess with that being  
15 said, I'm happy to move Resolution Number 2005-101,  
16 Consideration of Adoption of Proposed Emergency  
17 Regulations and Request for Rulemaking Decision to  
18 Formally Notice Amendments to the California Uniform Waste  
19 and Used Tire Manifest System.

20          BOARD MEMBER MULÉ: Second.

21          CHAIRPERSON MARIN: Moved by Peace and seconded  
22 by Mulé.

23          And we will substitute the previous roll call.

24          Okay. Next item.

25          DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

1           Board Item 24 is Consideration of the Grant  
2 Awards for the Waste Tire Enforcement Grant Program for  
3 Fiscal Year 2004-05. This item was heard before the  
4 Special Waste Committee and is recommended for fiscal  
5 consent.

6           Staff is pleased to note that with program  
7 improvements to improve overall program efficiency  
8 approved by the Board last fall, staff was successful in  
9 improving local tire jurisdiction coverage in the state  
10 population from 59 percent to 71 percent with the  
11 inclusion of the city of Los Angeles and the city and  
12 county of San Francisco, among others.

13           There was one proposed revision discussed with  
14 the Special Waste Committee to change the name of one  
15 applicant, the City of Chowchilla, to Madera County. This  
16 reflects Chowchilla will be a participant in the regional  
17 application submitted by Madera County. So that  
18 clarifying change has been noted in the revised Resolution  
19 you have before you.

20           In conclusion, staff requests the Board to  
21 approve \$5,249,334.77 to 38 identified applicants and  
22 approve Resolution 2005-98 as revised.

23           CHAIRPERSON MARIN: Thank you, Mr. Lee.

24           Is there any questions regarding this item?

25           Is there a motion to move it?

1           BOARD MEMBER PEACE: I would like to move --  
2 first I'd like to say staff has done a great job getting  
3 71 percent of the state covered. And hopefully we're  
4 going to get San Diego in next time. Good job.

5           So I'd like to move Resolution 2005-98 revised,  
6 Consideration of the Grant Awards for the Waste Tire  
7 Enforcement Grant Program for Fiscal Year 2004-2005.

8           BOARD MEMBER MULÉ: Second.

9           CHAIRPERSON MARIN: Moved by Peace and seconded  
10 by Mulé.

11           Without objection, we will substitute the  
12 previous roll call.

13           That's all your items, Mr. Lee?

14           DEPUTY DIRECTOR LEE: Yes, it is, Madam Chair.

15           CHAIRPERSON MARIN: The only thing I would like  
16 to add regarding tires and the grants and the loans and  
17 everything that we do with that, I know that the Five-Year  
18 Plan is coming up. And there was a discussion that maybe  
19 we could move it up to June to approve that. And the  
20 reason that I mentioned that at the Committee meeting is  
21 because I had some concerns about maybe we could do  
22 certain things in the grants arena that will facilitate --  
23 that will make it easier for jurisdictions.

24           And one of the things -- there are three things  
25 that I want to see on the Tire Plan. For example, there

1 are some grants that have -- there are limitations. There  
2 is a 50,000 cap. However, a jurisdiction can get up to  
3 \$150,000. So, in effect, they can get three grants. And  
4 maybe there's a way that we can combine so that a city,  
5 instead of submitting three different grant applications,  
6 can submit one application for three projects. And,  
7 therefore, staff is not managing three different  
8 contracts, but rather one contract with three different  
9 projects.

10           There may be a possibility where we know that  
11 some jurisdictions are going to apply for a grant this  
12 year and next year. So instead of for them to apply  
13 two years, maybe we could have one application for  
14 two years. So reducing not only staff's time, but more  
15 importantly, making it easier for the jurisdictions,  
16 because they have to manage, you know, all of these  
17 different contracts.

18           So I have heard loud and clear the message from a  
19 number of jurisdictions that, with all our great desire to  
20 give them some of the money, it makes their job very  
21 difficult. And we should be able to reduce the amount of  
22 time that they spend and certainly that we spend in  
23 providing these moneys. For some of them, it's not worth  
24 it to apply for \$25,000 in teeny-weeny little places when  
25 it's taking them in staff time and all of that -- you all

1 agree. Everybody agrees here.

2           So what I was hoping to do -- and I know that one  
3 of the things that I mentioned, it would give us enough  
4 time for us if we move the Tire Plan until June to make  
5 these accommodations. Now, if staff can work some of this  
6 into the Tire Plan before it comes before the May meeting,  
7 then we should have no problem adopting it. And in  
8 addition, I'm going to say it from the dias, but unless  
9 somebody disagrees with me, I want the post date mark on  
10 the grants to be the form of acceptance.

11           BOARD MEMBER PEACE: Versus the in date.

12           CHAIRPERSON MARIN: Versus the 2:00 or 3:00 or  
13 4:00 in somebody's office or in the corner of which  
14 building.

15           So without making this a big deal, is this the  
16 pleasure of the Board? It's not an action item, but staff  
17 gets the drift. Right?

18           EXECUTIVE DIRECTOR LEARY: Drift gotten, Madam  
19 Chair.

20           CHAIRPERSON MARIN: Okay, great. Nothing more  
21 said about that.

22           BOARD MEMBER PEACE: So thank you, Madam Chair.  
23 So we will hear the Five-Year Plan revision item next  
24 month in May, and we'll make sure as we implement the  
25 Five-Year Plan through our scopes of work and through our

1   scoring criteria that the staff and the Special Waste  
2   Committee will be looking for ways to make the grant  
3   process more streamlined and more efficient for the our  
4   grantees.

5           DEPUTY DIRECTOR LEE:   That's correct.   And staff  
6   concurs with that approach.

7           CHAIRPERSON MARIN:   Any further discussion on  
8   this item, Special Waste?   No more.   Okay.

9           Next item, Mr. Leary.   This would be Item Number  
10  26.

11           (Thereupon an overhead presentation was  
12   presented as follows.)

13           EXECUTIVE DIRECTOR LEARY:   Good afternoon, Madam  
14   Chair and members.   Item Number 26 is a Discussion of  
15   Priority Activities for the Next 18 Months.

16           Madam Chair, as you will recall, the members and  
17   I and Chief Deputy Director Julie Nauman attended a  
18   planning workshop back in January where we talked about a  
19   number of things, one of which were defining some  
20   priorities for this organization, particularly priorities  
21   in the short term.   But also discussed there and in  
22   subsequent meetings was much discussion about the  
23   development of performance measures.

24           This item before you today is to kind of provide  
25   some feedback back to you, the Board, as leaders of our

1 organization, as to what we offer for your consideration  
2 or your discussion, our ideas for these priority  
3 activities, and some discussion of performance measures  
4 for some of the activities that we do.

5 But first before I go any further, I do want to  
6 point out this was a late developing item and there are  
7 actually two pieces to it. There's copies of our Power  
8 Point presentation available to you and to our  
9 stakeholders here in the back of the room, as well as a  
10 handout providing some detail as to the four action plans  
11 that we're proposing to discuss here in this agenda item.

12 --o0o--

13 EXECUTIVE DIRECTOR LEARY: Today I want to  
14 cover -- basically, I touched on the background already.  
15 What I want to provide to you today is some delineation of  
16 what we think are current high priority activities within  
17 our organization, and more importantly some performance  
18 measures for those activities, also to discuss some  
19 proposed action plans, priority activities, moving into  
20 the future that are well defined in those action plans and  
21 a result of some of the discussion that occurred back in  
22 January.

23 And thirdly is much of the discussion of the  
24 Board over the last several months has been about moving  
25 this organization and moving these Board meetings to more

1 policy-driven discussions and moving possibly away from  
2 the idea of perfunctory or rubber stamp items that have  
3 come before the Board.

4           So I'm going to offer to you today as part of  
5 this little presentation some thoughts on some policy  
6 areas that we may focus on in the coming months and then  
7 what might our next steps be following today's agenda  
8 discussion.

9                               --o0o--

10           EXECUTIVE DIRECTOR LEARY: In terms of current  
11 priorities, we have for your thoughts and discussion today  
12 some performance measures for some of the high priority  
13 activities and examples of measures associated with  
14 current work, and then some detail about some of the  
15 future work in terms of determining other performance  
16 measures in regards to current priorities. Currently, we  
17 measure --

18                               --o0o--

19           EXECUTIVE DIRECTOR LEARY: -- a variety of  
20 program activities in a variety of ways. We complete the  
21 mandated activities. And that's, of course, noted in the  
22 context of agenda items. We report on sites being cleaned  
23 up. We report on grants awarded. And we are able to  
24 determine the number of jobs created whenever we provide a  
25 loan. So we do do some measurement along the way. And I



1 think among the BDOs we are noteworthy in the sense we've  
2 always tracked our performance related to diversion and  
3 disposal, where we probably lead the country in terms of  
4 measurement of recycling and diversion from landfills.  
5 That's fundamental to our culture. And now we are moving  
6 forward in a way that will provide further performance  
7 measures for other activities.

8 --o0o--

9 EXECUTIVE DIRECTOR LEARY: In the Permitting and  
10 Enforcement Division, we offer to you some of our thinking  
11 as to things we might measure as being high priorities  
12 within that division. These are simply a sample for your  
13 thoughts and reaction. We have many others we either have  
14 developed or are in the process of developing at each of  
15 our major program divisions.

16 For instance, in Permitting and Enforcement, LEA  
17 evaluations are key. And we commit as a performance  
18 measure to complete all LEA evaluations in the next cycle  
19 within the mandated three-year time frame.

20 In regards to landfill inspections, we have, as  
21 noted in the 2001 enforcement audit by the LEOs, we were  
22 delinquent in completing all of our 18-month landfill  
23 inspections on time. We think a good performance measure  
24 is to complete 100 percent of those inspections on time,  
25 in addition to increase performance of LEAs, our partners

1 in enforcement, and their submittal of inspection reports  
2 within the 30-day required time frame for over 95 percent.

3 Again, we're providing you the activity and how  
4 we propose to be measured and how we perform for the  
5 future. And I'm joined by all of the Executive Team, and,  
6 in fact, all the managers of this organization have been  
7 involved in this effort in asking you to hold us  
8 accountable to these kinds of performance measures.

9 --o0o--

10 EXECUTIVE DIRECTOR LEARY: In the Waste Tire  
11 Management, let me go to the second bullet first. You all  
12 have been very involved in the development of the upcoming  
13 Five-Year Tire Plan, and I know the importance of  
14 performance measures has conveyed itself into that  
15 Five-Year Tire Plan. And I want to express our  
16 appreciation for your support of moving that area and  
17 acknowledge the hard work of our staff in developing  
18 performance measures for the various activities within the  
19 Five-Year Tire Plan.

20 So much at the executive level of implementation  
21 of tire management is about getting money out the door.  
22 So we propose as kind of a general performance measure  
23 that we will get the money out of door. On an annual  
24 basis, we'll provide the 12.8 million or so in grant funds  
25 for all the various activities year in and year out.

1                               --o0o--

2               EXECUTIVE DIRECTOR LEARY:   In the Waste  
3   Prevention and Market Development, a couple of samples for  
4   your thoughts.  You heard from Shirley and the gang today  
5   about e-waste.  And we recognize how important the  
6   approval of payment claims are.  That's fundamental to the  
7   activity of SB 20/50.  We offer for your consideration a  
8   performance measure for our e-waste program to move into  
9   the Nordstrom's mode.  We provide service.  We will review  
10  and approve, adjust and deny payment claims within 60  
11  days.  And we're hoping to ratchet that down even further.  
12  We talked a little bit about moving to web-based payment  
13  claims and such.  At least as we're starting up and on the  
14  infancy in that program, we think 60 days is pretty  
15  ambitious at first.  But over the coming years, we can  
16  ratchet that back.

17               Further, we have a number of other stakeholders  
18  that we have to review and approve, the collectors and  
19  recyclers.  And we commit to you a performance measure in  
20  this area might be the approval of 300 collector, and 32  
21  recyclers by January.

22               In the RMDZ Loan Program, we'll commit as a  
23  performance measure we'll assist 50 businesses each year  
24  to start up or expand and that we will increase the  
25  quantity of recycled feedstock used by the RMDZ businesses

1 by 10 percent. That causes me to point out that some of  
2 these performance measures are not necessarily currently  
3 in our system. In addition to striving to meet these  
4 performance measures, we'll also develop the measurement  
5 system by which we go by. As we commit to developing  
6 performance measures and you holding us accountable to  
7 them, we also in part and parcel commit to developing the  
8 measurement system by which that accountability will be  
9 determined.

10 Next slide, please.

11 --o0o--

12 EXECUTIVE DIRECTOR LEARY: In the DPLA area, I  
13 think these are a couple of very ambitious performance  
14 measures. Reduce the number of jurisdictions that submit  
15 late annual reports by 10 percent. That implies a strong  
16 relationship with the jurisdictions, working with them so  
17 they don't submit late. And further, that once we receive  
18 them, we'll review all 422 within 120 days. Again, I  
19 think some pretty ambitious performance measures. But if  
20 Pat Schiavo proposed them, they're okay by me.

21 --o0o--

22 EXECUTIVE DIRECTOR LEARY: And not to be left out  
23 of the discussion is our Admin and Finance Program. And I  
24 want to complement Tom and the gang for wanting to weigh  
25 into the fray and want to participate. They commit

1 they'll process all invoices and claims from receipt to  
2 transmittal to Controller's office for payment within  
3 30 days. Pretty good performance for a State  
4 organization.

5 Further, they'll reduce their internal processing  
6 of all the service requests in the Business Services Area  
7 by 25 percent from the current baseline. That, too,  
8 implies measuring the time it will take to get things  
9 done. But they wanted to be part of this effort, and I  
10 applaud their participation.

11 --o0o--

12 EXECUTIVE DIRECTOR LEARY: In terms of moving to  
13 the future, we discussed several things in January, and  
14 we've kind of tailored those down in four major areas.  
15 And as I mentioned earlier, we have the proposed action  
16 plans in the back of the room. The four are listed here:  
17 Market assessment, green procurement, technologies  
18 assessment, and diversion goal measurement.

19 Next slide, please.

20 --o0o--

21 EXECUTIVE DIRECTOR LEARY: Each of these action  
22 plans define for you in their narrative generally what we  
23 want to accomplish, who are key partners and stakeholders  
24 in the accomplishing that activity, what's some specific  
25 targets, tasks, and dates related to that action plan

1 might be, and then the critical milestones that we strive  
2 to obtain along the way.

3 --o0o--

4 EXECUTIVE DIRECTOR LEARY: The first one in the  
5 market assessment action plan, what we want to accomplish  
6 there is that we want to conduct market assessments  
7 throughout California to determine why potentially  
8 recyclable materials are not reaching established markets,  
9 in order that we might specifically identify barriers and  
10 opportunities for new and expanded markets.

11 Next slide.

12 --o0o--

13 EXECUTIVE DIRECTOR LEARY: It's not on the slide,  
14 but in the action plan we've identified clearly the  
15 partners and stakeholders. And then there are some  
16 specific tasks, targets, and dates that we propose that  
17 you will hold us accountable for. And that's completing  
18 the in-house inventory of that which we know about market  
19 assessment, compiling those results about disposal  
20 diversion and flow, and have them back to you and ready to  
21 report on in July of this year.

22 Then we advance that current understanding in  
23 developing flows for materials for each region of the  
24 state and assess the potential for additional diversion  
25 and market opportunities by February of next year.

1 I applaud the team that put this together. I  
2 think that's pretty darn ambitious. Maybe more ambitious  
3 than I would have done on my own on the natural. So I  
4 think people are anxious to sink their teeth into this one  
5 and move forward.

6 --o0o--

7 EXECUTIVE DIRECTOR LEARY: Further tasks and  
8 targets are stakeholder workshops throughout this process.  
9 After the internal compilation, we'll meet with our  
10 stakeholders in August. And after some of the regional  
11 assessments are done, we will meet with our stakeholders  
12 in March of '06.

13 As a result of all this activity will be to come  
14 back to you in July next year, after we clearly understand  
15 the nuts and bolts of how markets work in the state on the  
16 localized regional basis. And then we'll have some ideas  
17 for you that will help us move commodities, particular  
18 waste types, away from disposal into diversion and help to  
19 develop the sustainable domestic markets by July of 2006.

20 A quantitative, analytical approach that takes  
21 this thing from the foundation ultimately through  
22 sustainable domestic markets in about a year's time.

23 Next slide.

24 --o0o--

25 EXECUTIVE DIRECTOR LEARY: In the green

1 procurement area, we've talked often in the market  
2 development contract arena about one-stop shopping. Once  
3 we get our foot in the door to meet with the local elected  
4 official or state agency official or a procurement  
5 officer, we want to not just talk about RAC or just talk  
6 about compost or just talk about moving to recycled paper.  
7 We want to provide a complete toolbox how to get them from  
8 where they are at their current stage to fully  
9 implementing green procurement as part of their  
10 operations.

11           So the first general accomplishment in this area  
12 is to create that toolbox, to provide for government and  
13 for the agricultural community as our outlet for compost  
14 and get them to kind of a soup to nuts approach how to get  
15 from where they are today to fully implementing green  
16 procurement.

17           We want to increase demand for recycled content  
18 and environmentally preferable purchasing by state and  
19 local governments. And number one on all of our lists for  
20 agriculture is the increased use of compost and mulch.

21           Next slide.

22                               --o0o--

23           EXECUTIVE DIRECTOR LEARY: In the long term, we  
24 want to decrease the amount of organics disposed by  
25 190,000 tons to achieve an additional quarter percent of



1 diversion by 2007. Again, implying a measurement system  
2 we can be held accountable to and imposing to you a  
3 performance measure for our success and a time certain.

4 Then C&D, we want to decrease the amount of C&D  
5 disposed by 644,000 tons, not 643, 645, but 644, to  
6 achieve an additional .8 percent of diversion by 2007.

7 And then in the tire areas, we think success will  
8 mean when we decrease the amount of tires disposed by  
9 10,000, or 3 percent, by the year 2007.

10 --o0o--

11 EXECUTIVE DIRECTOR LEARY: In short term, in the  
12 next 12 to 18 months, which is where we're more targeted  
13 for, we think we can interact with Caltrans to double the  
14 amount of compost and mulch purchased by them and double  
15 it every subsequent year through 2009.

16 I hope the Director is listening to our Internet  
17 presentation today.

18 Increase the recycled aggregate for Caltrans for  
19 road base by 10 percent within the next 12 to 18 months.

20 Next slide.

21 --o0o--

22 EXECUTIVE DIRECTOR LEARY: RAC by 5; local  
23 government purchase of RAC by 15; and then to work with  
24 the Department of General Services to develop more green  
25 specifications as they go through their strategic sourcing

1 initiative to enhance their procurement operations. As  
2 you know, we have staff currently imbedded at DGS working  
3 with them day in and day out on the strategic sourcing  
4 initiative, and we're affecting their developing of  
5 specifications today and every day into the future. So  
6 greening five of those particular specifications we think  
7 is certainly doable in the next 12 to 18 months.

8 --o0o--

9 EXECUTIVE DIRECTOR LEARY: Technology assessment  
10 action plan, we and the Governor, the Secretaries, and  
11 this Board's interest in broadening and getting more  
12 sophisticated in the waste management environmental  
13 technology areas in general. We think we have a  
14 regulatory responsibility to investigate all aspects of  
15 new technologies as they come forward. So we're going to,  
16 as a general accomplishment, strive to investigate all  
17 aspects of anaerobic digestion, bioreactor landfills, and  
18 all other emerging waste management technologies. That's  
19 part of the nature of our job.

20 --o0o--

21 EXECUTIVE DIRECTOR LEARY: In the long term, by  
22 September of 2006, we're going to try to obtain every  
23 piece of verified and public accessible data on emissions,  
24 pollution controls, and environmental impacts on all  
25 emerging technologies.

1           By February the following year, we hope to do  
2 case studies around the nation and maybe even around the  
3 world of all aspects of these emerging technologies,  
4 including successes, failures, and impacts on recycling  
5 markets.

6                               --o0o--

7           EXECUTIVE DIRECTOR LEARY: By July of this year,  
8 we hope to adopt, through Howard and the P&E program the  
9 RD&D regs that will allow the permitting of bioreactor  
10 landfill projects.

11           By July two years later, complete the breakdown  
12 of all the availability and type of MRF residuals. This  
13 is a fall-out of market assessment. This is where our  
14 action plans work together and support each other and  
15 where our priorities make sense, because they're  
16 interrelated.

17           And by July, we'll complete technical research on  
18 anaerobic digestion also.

19                               --o0o--

20           EXECUTIVE DIRECTOR LEARY: In diversion goal  
21 measurement, you're all pretty familiar with the  
22 improvements and movement toward a simpler measurement  
23 system. We hope to provide that at your direction all  
24 along the way for more timely and accurate indicators of  
25 disposal reduction.

1                               --o0o--

2               EXECUTIVE DIRECTOR LEARY: In fact, we commit by  
3 June of this year, we'll have a staff proposal for your  
4 consideration for this alternative measurement system,  
5 because this is well on its way. And by September,  
6 hopefully, you will approve our proposal for use in a  
7 legislative process in maybe next year's legislative  
8 session.

9                               --o0o--

10              EXECUTIVE DIRECTOR LEARY: We recognize there are  
11 other action plans yet to be done and that you've clearly  
12 identified as your high priorities in your future. We've  
13 talked a number of times about universal waste, and we've  
14 talked a number of times about, as recently as last week,  
15 enhancing the training and understanding of landfill  
16 operation and other technologies operation and how we  
17 might move forward to enhance the statewide understanding  
18 and betterment of the level of sophistication through  
19 training as a Board priority.

20                              --o0o--

21              EXECUTIVE DIRECTOR LEARY: Then the third  
22 component of my brief presentation today is to talk about  
23 what kind of policy areas we can move into over the coming  
24 months and in your efforts to develop a more policy-driven  
25 Board. So we all recognize we have a need for Board

1 discussion and direction in a variety of areas. We'll  
2 bring these forward to the Board.

3           Some of the areas are enforcement and training,  
4 like we've touched on, not only the nuts and bolts that  
5 will be covered by the action plan, but ultimately what  
6 should be our philosophy and who should pay for who does  
7 what in the training area.

8           We just as recently as 20 minutes ago talked  
9 about improvements on grants program, and we probably will  
10 have a very long, very involved policy discussion on  
11 postmark date versus date received, I'm sure.

12           And then financial assurance has also been  
13 identified through our Permitting and Enforcement Program  
14 as something that certainly this Board should focus on and  
15 bring our stakeholders together and talk about what  
16 happens after 30 years at some of our landfills.

17                               --o0o--

18           EXECUTIVE DIRECTOR LEARY: In the current  
19 priorities area, we'll work from this point forward with  
20 your blessing to continue to refine existing and develop  
21 additional performance measures for our program  
22 activities.

23                               --o0o--

24           EXECUTIVE DIRECTOR LEARY: From this point  
25 forward, with your blessing, we will take these kinds of

1 conceptual action plans and develop detailed work plans  
2 for each of them that we will internally reallocate  
3 resources and discuss what specifically needs to be done  
4 to get from here to there. Some of that is already  
5 underway. We'll develop and implement the tracking and  
6 measurement system that I touched on earlier. And then  
7 we'll report back to you on at least a quarterly basis, if  
8 not more frequently.

9 --o0o--

10 EXECUTIVE DIRECTOR LEARY: And then as I  
11 mentioned earlier, we do need other action plans that are  
12 clearly high priorities for us, training and u-waste being  
13 two of them.

14 --o0o--

15 EXECUTIVE DIRECTOR LEARY: And then in the policy  
16 areas, we'll, of course, agendize specific policy  
17 discussions with your blessing today in upcoming months.

18 And that concludes my presentation. Welcome your  
19 feedback and input and also that of our stakeholders.

20 CHAIRPERSON MARIN: Well, okay. I'm sure you  
21 will get some feedback.

22 Ms. Mulé.

23 BOARD MEMBER MULÉ: Thank you, Madam Chair.

24 First of all, I want to thank you, Julie, and all  
25 of the staff for all of your hard work in developing this

1 action plan.

2 As you all know, I think I've said it many times,  
3 I'm all about plans. And I'm all about measurement and  
4 results. And this is a very, very good start in  
5 refocusing our efforts to get more focused and to go in a  
6 direction that makes sense for this Board and to  
7 ultimately reach our goal, which is to maximize diversion  
8 here in the state of California.

9 And I just want to thank all of you for all of  
10 your hard work in putting together this action plan.  
11 We've got a long way to go, though. I mean, the devil's  
12 in the details, as they say. And the work plans are  
13 really going to be the heart and sole of all this with  
14 specific work tasks and time lines.

15 I do have a couple of questions. And you don't  
16 have to answer this right now, because I don't want to put  
17 anybody on the spot. But like, for example, when I was  
18 reading through this on the RMDZ and loans, it says,  
19 "assist 50 businesses each year to start up or expand."  
20 Well, what I'd like to know is, what is our baseline?  
21 What are we currently doing? How many businesses did we  
22 assist this year or did we assist last year and the year  
23 before? So again, just kind of things to keep in mind  
24 when you're developing your work plan.

25 Another thing that I think is going to be

1 critical is this whole market infrastructure assessment.  
2 Because when you were discussing, Mark, later on under  
3 green procurement to talk about specific goals in terms of  
4 diverting tons of organics and C&D, we've really -- it's  
5 going to be really hard, though, for us to make these  
6 statements unless we know what the infrastructure is. And  
7 by that I mean, for example, with C&D, there are many  
8 jurisdictions that don't have the infrastructure in place  
9 to divert the C&D. So we can't ask them to implement a  
10 mandatory ordinance to divert C&D material if the  
11 infrastructure is not in place to process it.

12           So I think moving logically in this manner, we  
13 need to do the market assessment, the infrastructure  
14 assessment before we can make some assumptions on what we  
15 can divert. But, again, I just wanted to make that  
16 observation on that.

17           But, again, I just think overall we're definitely  
18 on the right track. We're doing the right things. We've  
19 got dollars in the Tire Fund to spend to clean up and to  
20 enforce what we're doing. Let's get that money out to the  
21 local jurisdictions. That's what it's there for.

22           And so I'm just really glad to see that, again,  
23 we're really looking at what we're doing. We're focusing  
24 on it, and we're providing some measurements of success.  
25 And, again, anything that I can do to assist you, I'd be



1 happy to do so. But, again, I think you guys have done a  
2 great job, and I thank you.

3 CHAIRPERSON MARIN: Thank you.

4 I actually think that it's not a great job. I  
5 think it's an excellent job.

6 You know, I remember being there for two days  
7 with Board members, and it's amazing. I went back to my  
8 little notes that I wrote throughout the entire time, and  
9 I'm looking at this and I'm looking at my notes. And it  
10 was like, my God, you were taking notes. To see them  
11 translated into actual plans, it's just really amazing.  
12 It's what was in my mind or our minds. And we said we  
13 want to move forward in these areas. And then to have  
14 very concrete plans as to how -- concrete plans on what we  
15 want to accomplish with the dates and the percentages that  
16 will really -- that will be the tool for us to hold you  
17 guys accountable.

18 What impresses me the most is the fact that it  
19 was your Executive staff that came up with the challenge  
20 upon themselves. I mean, this is a challenge to them, you  
21 know, to actually do this by a certain date, by a certain  
22 time with this measurement. And I just want to thank  
23 everybody. You know, even Tom came up, and I'll be part  
24 of that, too. You know, I'm grateful. I'm very happy.  
25 This is what we have been working for.

1           And when the five of us those two days and we  
2 specifically said, no, we want to see this, this, this,  
3 and this, and to see very concrete plans, with very  
4 specific measures, with very specific dates, it's really  
5 amazing. But you know what happens now; right? We're  
6 going to three months from now, okay, page number 3, you  
7 said you were going to do this. How are we doing on that?

8           EXECUTIVE DIRECTOR LEARY: I do know what happens  
9 now. And I think I can speak for all of the Executive  
10 team, we welcome that kind of focus. We welcome that kind  
11 of prioritization. These are the things we're glad you  
12 concur are the high priorities. Now that we have a sense  
13 for high priorities and have a direction to move, we  
14 welcome you holding us accountable.

15           CHAIRPERSON MARIN: Well, we will. I know we  
16 will.

17           But I thank you. I thank the entire staff. And,  
18 you know, we can set the direction, and that's what this  
19 Board does. We set the direction. But I have to be  
20 grateful for your willingness to follow that direction.  
21 And that takes a lot of maturity. That takes a lot of  
22 self-confidence. And the fact that you have all of your  
23 Exec staff, you know, their willingness to meet the  
24 challenge, I think it speaks very highly of every single  
25 one of your Executive staff, that I'm supported by the

1 second level and the third level and the fourth level.

2 But I really appreciate it and commend each and every one  
3 of you.

4 EXECUTIVE DIRECTOR LEARY: If I may as a closing  
5 note, unless there were other comments.

6 CHAIRPERSON MARIN: Any further comments? No.

7 EXECUTIVE DIRECTOR LEARY: As a closing note, I  
8 want to express my own personal appreciation for Julie and  
9 Rubia who worked very hard on the details of this and  
10 supported myself and the rest of the Executive staff.  
11 They're the ones that put the meat on the bones on this  
12 one. So thank you.

13 CHAIRPERSON MARIN: Thank you very much. Okay.  
14 Good. I'm happy. Anything anybody else wants is yes.  
15 No. We're just kidding.

16 Okay. We have two speakers. Mr. Evan Edgar on  
17 this particular item.

18 MR. EDGAR: Madam Chair, Board members --

19 CHAIRPERSON MARIN: Whatever you want, Evan,  
20 that's fine.

21 MR. EDGAR: Good afternoon. I'm from the  
22 California Refuse Removal Council.

23 And infrastructure is huge. We have AB 939  
24 infrastructure of over \$1 billion invested in  
25 infrastructure, was developed in 1990 with over 25, 30

1 million tons a year being moved through that. We support  
2 the market assessment, because we do have the MRF  
3 technology. We have the collection practices. And we're  
4 going on that to move forward in other technologies.

5           And, plus, we support the whole green  
6 procurement, because it was a small step today for the  
7 Waste Board to do this. But it would be a giant step for  
8 Caltrans to do anything. And to put a man on the moon and  
9 not be able to buy compost and have specs. And any type  
10 of benchmarking over at Caltrans is tough. We will be  
11 meeting with Caltrans at the Trade Association.

12           But I think we can do more than some of the  
13 performance benchmarks that are put inside the procurement  
14 plan to move -- only double -- when you double nothing,  
15 you still got nothing. Caltrans only did 1 percent of 10  
16 million tons. I think we can move a million tons. I  
17 believe over the last ten years, with the California  
18 Compost Quality Council, we have advanced the industry and  
19 science with the United States Composting Council whereby  
20 they're using a spec from Texas and Florida. And I  
21 believe we can do a lot better than just doubling what  
22 Caltrans is doing with compost. We can move from 1  
23 percent to 10 percent of the marketplace really quickly.

24           With regards to recycled road base, there is a  
25 performance markup to 10 percent. Once again, Caltrans

1 has no records on recycled aggregate base. I was a key  
2 witness on AB 1001 last week. And Caltrans has no  
3 benchmark. The performance goals inside that bill is  
4 50 percent by 2006 and 70 percent by 2009. We believe  
5 there's over 2 million tons of inerts being disposed of in  
6 mine sites and landfills today, and we're importing 2.4  
7 million tons from British Columbia, Mexico. We believe  
8 that we have the recycled aggregate base supply, and we  
9 can have the facilities and infrastructures currently to  
10 produce the base rock to feed Caltrans. So we believe  
11 that performance benchmark could be a lot higher as well.  
12 Where it's a small step for Caltrans -- the Waste Board,  
13 it would be a giant step for Caltrans. But the industry  
14 will step up. We want to make this material, and we'd  
15 like to have local government and Caltrans buy California  
16 and buy recycled. Thank you.

17 CHAIRPERSON MARIN: We couldn't agree with you  
18 more. Thank you very much, Evan.

19 And the next person is Terry, Terry Leveille.

20 MR. LEVEILLE: Madam Chair, Board members, Terry  
21 Leveille, TL & Associates. I'd like to echo Evan's  
22 statements.

23 I think also I want to applaud Mark and Executive  
24 staff's performance measures. I wish when I came as an  
25 advisor to the Board back in 1991 that something like this

1 could have been around. I know that each individual  
2 section had their own performance goals. But we didn't  
3 really have a total overlook of the whole Waste Board.  
4 And I think as much as being a spur and goals for the  
5 individual staff, it's informational for the Board. When  
6 you get your two new Board members, you're going to be  
7 able to point to this and at least get them some idea as  
8 to the breadth and the expanse and the types of things  
9 that the Board is looking for down the line. And I think  
10 it's very good. I would like to echo also Board Member  
11 Mulé's desire to maybe see some baseline figures when  
12 we're asking a 10 percent increase and that type of thing.  
13 That would be helpful as well.

14 And, finally, I would like to see the Board and  
15 staff, whenever they discuss RAC and increasing the amount  
16 of RAC at Caltrans, local government use, they do it hand  
17 in hand with civil engineering chips, the tire derived  
18 aggregate. This has significantly potentially more  
19 diversion opportunity for tires from the landfills, and  
20 it's still in its infancy. I estimate ten years behind  
21 RAC as far as markets. The spur has got to be local  
22 government. The spur has got to be Caltrans. And I would  
23 hope that in these types of performance measures that they  
24 would have similar goals for tire derived aggregate.

25 CHAIRPERSON MARIN: Thank you, Terry. I think we

1 all agree with that particular statement. We believe in  
2 RAC and civil engineering. And maybe in my mind when I  
3 think of RAC, I also think of civil engineering purposes.  
4 Maybe we need to state it more clearly, but I think the  
5 point is very well taken.

6 The next item will be Item Number 27. Is that  
7 why Mr. Chris Peck is before us?

8 SUPERVISOR PECK: Chris Peck with the Office of  
9 Public Affairs.

10 CHAIRPERSON MARIN: You don't look like Jon.

11 SUPERVISOR PECK: Thank you.

12 Agenda Item 27, staff is seeking the Board's  
13 concurrence, finally, in the Scope of Work for the  
14 recycled content material marketing contract. We  
15 discussed this item and Scope of Work at the March Board  
16 meeting. But because there was significant changes in the  
17 scope between the time the item was noticed and discussed  
18 at the Board, we felt at that point it was not appropriate  
19 to ask the Board to take action. We're coming back today  
20 to do that.

21 There are some changes in the agenda item and the  
22 Scope of Work, which I'd like to go over briefly with you.  
23 Let me assure you there are no substantive changes to the  
24 Scope of Work in terms of the task that we're selecting a  
25 contractor for. I might add that this is the first

1 significant step in our new green procurement action plan.  
2 This is a significant component of how we see being able  
3 to obtain the goals that staff is laying out.

4           The first thing I'd like to mention is that there  
5 was -- in the original agenda item itself, there was a  
6 mistake in terms of the budget split, the split funding  
7 between the Tire Fund and the Integrated Waste Management  
8 Account in the out years. That is, the next two fiscal  
9 years. The correct amount is \$400,000 from the Tire  
10 Recycling Management Fund, and \$200,000 from the  
11 Integrated Waste Management Account in those two years.  
12 And those numbers are reflected in the Resolution we're  
13 proposing for adoption today.

14           In the Scope of Work, the revised Attachment A,  
15 there's a significant change in the text in the sort of  
16 preamble, that is the overview of what our goals are.  
17 This actually reflects a rewrite as it's written in the  
18 actual Scope of Work and the Request for Proposals, which  
19 is now on the street. We did this, because we thought it  
20 would probably be a better direction in terms of what the  
21 Board's intent and focus of the contract work was, a  
22 little bit better specificity of what our overall  
23 objective was. And then we also added in for clarity's  
24 purposes language in that preamble there about the current  
25 year versus the out-year funding allocations for this



1 project.

2           Some minor word changes in the actual task  
3 descriptions. In Attachment A -- these are just revisions  
4 to be consistent with the language that's actually in the  
5 Scope of Work to change it now. This is as it would  
6 appear in the contract. This is, language that says the  
7 contractor will do these things.

8           We've added a timetable. And, here, I just  
9 wanted to point out that the significant -- there's sort  
10 of two significant portions of this. The first would be  
11 the first five tasks, which I would, I guess, characterize  
12 as sort of research and planning for this project with  
13 full-on implementation aggressively marketing these  
14 materials beginning in January of next year.

15           So at that point in time, we actually would plan  
16 to come back to the Board at the first six-month report of  
17 the contractor at the Board's December meeting and present  
18 all this stuff. In advance of that, have an opportunity  
19 for you to see the draft marketing materials and all the  
20 different pieces that we put together and stuff. So we'll  
21 hear from the contractor early on in December, but that  
22 would be a particular action where the Board would be  
23 looking at where we are ultimately going.

24           And then in response, finally, to concerns or  
25 comments we received at the March discussion, we've added

1 some specific language that we will include in the payment  
2 provisions of the contract to clarify that essentially to  
3 the extent possible, we will closely track expenditures to  
4 the funding source. That is where work activities under  
5 the contract are clearly just tire related, those  
6 activities will be budgeted specifically straight to the  
7 tire funding portion of the contract. Where an activity  
8 is exclusive of tires, that would be budgeted or allocated  
9 to the IWMA portion. And all other activities where  
10 things are blended, because this is going to be sort of a  
11 blended activity, we'll pro rate based upon the work  
12 that's being done and the money in the contract.

13           So with that said, I would ask that the Board  
14 move and adopt Resolution 2005-103, which actually does  
15 three things. It would approve the Scope of Work that's  
16 included in the revised Attachment A, directing staff to  
17 proceed with the Request for Proposals, evaluation for  
18 proposals. Two, it would approve current year funding and  
19 at least the preliminary allocation of out-year funding.  
20 That establishes the maximum cap on the contract of \$1.75  
21 million as it's laid out here. And, thirdly, authorize  
22 the Executive Director and his staff to proceed with  
23 development of a contract and selection of a contractor as  
24 specified in the RFP.

25           That's the end of my presentation.

1 CHAIRPERSON MARIN: Thank you, Mr. Chris.

2 Are there any questions from Board members  
3 regarding this item?

4 No questions. Comments.

5 Terry should know within this -- where's Terry?  
6 There you are. You should know that right next to RAC is  
7 civil engineering throughout this particular proposal.

8 And this is working in conjunction with the RAC  
9 Centers, not in lieu of, but in complement of; right?

10 SUPERVISOR PECK: Absolutely. And any other  
11 contractors that the Board has on board that we think  
12 could help us to accomplish our objectives in this  
13 contract. So, absolutely, including the technical RAC  
14 person that we're bringing on board and people like Dana  
15 Humphrey or whoever the person is going to be that's  
16 helping us in civil engineering as well.

17 CHAIRPERSON MARIN: I like your timetable. I  
18 think that was a very nice addition. That provides us  
19 with a very good visual for when all of this is going to  
20 be happening.

21 Some of the items on the Scope of Work, the waste  
22 reduction and recycled product procurement and the  
23 conferencing provisions and so forth, these are standard  
24 articles that we use in all of our contracts?

25 SUPERVISOR PECK: Standard contract language,

1 correct.

2 CHAIRPERSON MARIN: All right. That's what I  
3 thought. Because they talk about an event. But it really  
4 could be events in this particular case; right? There  
5 will be a number of things, not just one event. It's a  
6 minor, very minor technicality.

7 But I really appreciate this. Chris, I think  
8 it's amazing, and I appreciate the fact that you took all  
9 of our conditions or recommendations -- recommendations,  
10 suggestions and you incorporated them into this item as  
11 revised.

12 So without any further comments -- comments,  
13 Ms. Mulé?

14 BOARD MEMBER MULÉ: I just have a quick comment.

15 Once again, I want to thank you, Chris and Jon  
16 and staff, for putting together what I think is a well  
17 thought out item. And as we discussed before, just to  
18 have us go out and market one product to local governments  
19 in the interest of green procurement just didn't make  
20 sense. So by us reaching and targeting that audience,  
21 local government, with a variety of ways that they can  
22 procure green products, whether it's, you know -- whether  
23 it's mulch or RAC or civil engineering uses for tires or  
24 whatever, it just makes a lot of sense. And I think  
25 they're going to appreciate the fact that we're going to

1 see them just once, rather than going and visiting them on  
2 separate items.

3 And, again, I just really want to thank you,  
4 Chris, for putting together a great agenda item. I know  
5 you did a lot of work on this. And I want to thank you  
6 and thank all the staff that worked with Chris in  
7 developing this item.

8 SUPERVISOR PECK: Just one caveat. When it comes  
9 to the city of Los Angeles or anybody else, I can't  
10 guarantee we won't go back more than once. However many  
11 times it takes.

12 BOARD MEMBER MULÉ: I understand that. Thank  
13 you.

14 Are there any other comments?

15 CHAIRPERSON MARIN: Any further comments?

16 BOARD MEMBER PEACE: I'd also like to say this is  
17 great. Any other company that has a product they want to  
18 push, they hire a marketing firm. So why shouldn't we do  
19 the same? I think this is a great idea.

20 CHAIRPERSON MARIN: I can actually visualize, you  
21 know, what we're all attempting to do. And somehow this  
22 becomes the glue that brings it all together. So good  
23 luck. Good luck. You have a great work ahead of you.  
24 And I can tell you that. Tell that to Mr. Myers as well.

25 BOARD MEMBER MULÉ: With that, I'd like to move

1 Resolution 2005-103.

2 BOARD MEMBER PEACE: Second.

3 CHAIRPERSON MARIN: Moved by Mulé and seconded by  
4 Peace.

5 Without objection, we'll substitute the prior  
6 roll call.

7 Okay. We have the very last item, Item Number  
8 28. And who's going to be making the presentation?

9 EXECUTIVE DIRECTOR LEARY: Madam Chair, I'll  
10 start the presentation, and I'll very shortly turn it back  
11 to you, Madam Chair.

12 Agenda Item 28 is Reconsideration of Conversion  
13 Technology Report to the Legislature. I don't think I  
14 need to refresh the Board's memory. The Board took this  
15 Conversion Technology Report up last month, considered it,  
16 moved it, and then we've subsequently heard quite a bit of  
17 public comment. And I think as a result of that public  
18 comment, Madam Chair, you requested that I bring this  
19 agenda item back for reconsideration of the Board.

20 I think the first step for the Board is to decide  
21 whether it wants to reconsider it, since it has  
22 affirmatively already considered it. So my suggestion to  
23 you, Madam Chair, is you might secure a motion and take a  
24 vote to reconsider first.

25 CHAIRPERSON MARIN: Okay. I move for

1 Reconsideration of Item Number 28, the Reconsideration of  
2 Conversion Technology Report to the Legislature.

3 BOARD MEMBER MULÉ: I second that, Resolution  
4 2005-114.

5 CHAIRPERSON MARIN: Call the roll, please.

6 EXECUTIVE ASSISTANT JIMENEZ: Peace?

7 BOARD MEMBER PEACE: I have a question first.

8 When you say we need to have a motion to  
9 reconsider first, what happens second?

10 CHAIRPERSON MARIN: Then we bring up the item.

11 EXECUTIVE DIRECTOR LEARY: Then the Board can  
12 consider the report once again and discuss it and provide  
13 direction and anything further it cares to do. But it  
14 can't even talk about the issue without a motion and a  
15 vote to reconsider first, pursuant to Board procedure.

16 BOARD MEMBER PEACE: Second. We're taking --  
17 aye.

18 CHAIRPERSON MARIN: You can move and second and  
19 vote aye, too. Okay.

20 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT JIMENEZ: Washington?

23 BOARD MEMBER WASHINGTON: Aye.

24 EXECUTIVE ASSISTANT JIMENEZ: Marin?

25 CHAIRPERSON MARIN: Aye.

1           Now that we have before us the item, now we can  
2 go ahead and try to go about why it is before us. There  
3 were some questions that were raised very clearly that we  
4 need to respond to those questions. And, specifically, we  
5 have certain items, Fernando, Patty, or Judy -- is  
6 Fernando going to be the one who is going to make the  
7 presentation?

8           Go ahead, Fernando.

9           (Thereupon an overhead presentation was  
10 presented as follows.)

11           SUPERVISOR BERTON: Good afternoon, Madam Chair  
12 and Board members.

13           I'd like to start out by reviewing the  
14 requirements for the CT report, the Conversion Technology  
15 Report, set forth in Assembly Bill 2770 and then compare  
16 each requirement to what was in the March draft of the  
17 Conversion Technology Report that the Board adopted in  
18 March.

19           To quickly go through the requirements, what had  
20 to be in the report is:

21           Specific and discreet definitions and  
22 descriptions of each conversion technology evaluated;

23           A description and evaluation of the life cycle,  
24 environmental, and public health impacts of each  
25 conversion technology in comparison to the transformation



1 and disposal of solid waste;

2 A description and evaluation of the technical  
3 performance characteristics, feedstocks, emissions, and  
4 residues for each conversion technology and identification  
5 of the cleanest, least polluting technology;

6 A description and evaluation of impacts on  
7 recycling and composting markets as a result of each  
8 conversion technology and the requirement that the report  
9 shall be subject to an external scientific peer review  
10 process pursuant to Section 57004 of the Health and Safety  
11 Code.

12 Now, what I'd like to do is go through each  
13 individual requirement and how the report responded to  
14 that.

15 --o0o--

16 SUPERVISOR BERTON: To begin with, the first  
17 requirement, AB 2770 required that the report include  
18 specific and discreet definitions and descriptions in the  
19 report.

20 --o0o--

21 SUPERVISOR BERTON: Our University of California  
22 researchers was tasked with conducting the evaluation of  
23 conversion technologies. And in their report and in their  
24 study, they provided definitions and descriptions in their  
25 study. And we also included those same definitions and

1 descriptions in the Conversion Technology Report to the  
2 Legislature. And those definitions included pyrolysis,  
3 gasification, plasma arc, catalytic cracking, anaerobic  
4 digestion, acid hydrolysis, fermentation.

5           And Board staff felt it was important to have a  
6 definition for conversion technology in the report. We  
7 felt that this was important, because currently,  
8 conversion technology is not defined anywhere in statute  
9 or regulations. And we felt that including such a  
10 definition as an option would provide some clarity to an  
11 issue that is still unclear.

12                               --o0o--

13           SUPERVISOR BERTON: We felt also it was important  
14 to point out certain issues with existing definitions. As  
15 an example, the current definition for gasification in  
16 statute actually describes pyrolysis. Pyrolysis operates  
17 in a no-added oxygen environment. Whereas, gasification  
18 does use some added oxygen or air as part of the process.  
19 And, again, the definition in the existing statute refers  
20 to zero oxygen added.

21           Also, transformation is most commonly used to  
22 mean incineration or combustion, but also includes  
23 pyrolysis, distillation, and biological conversion.

24                               --o0o--

25           SUPERVISOR BERTON: One of the comments we

163

1 received on that -- and I'll be discussing some of this in  
2 a bit -- was that we didn't discuss some of the  
3 ramifications of excluding conversion technologies --  
4 certain kinds of conversion technologies from  
5 transformation, and that discussion was not in the  
6 Conversion Technology Report.

7           We had recommended an amendment to remove  
8   pyrolysis since Assembly Bill 2770 considered pyrolysis as  
9   a non-combustion technology. And we also recommended to  
10  remove biological conversion since it could include  
11  anaerobic digestion. In fact, anaerobic digestion uses  
12  bacteria to break down organic feedstock into biogas. So  
13  the use of bacteria would make it a biological conversion,  
14  which is included in transformation, but in the absence of  
15  oxygen.

16           Unlike compost, which is also a biological  
17 conversion process that uses air in its process, but is  
18 excluded from the transformation definition. In fact, air  
19 is often used in compost to eliminate odors. So, you  
20 know, you can see where there's some vagaries there.  
21 There needs to be some clarity.

22           Distillation, we felt, should be removed, because  
23 distillation is actually a purification process that's  
24 often used in ethynyl production or alcohol production.

25 --o0o--

1           SUPERVISOR BERTON: One thing that, you know, we  
2 wanted to point out is that definitions cannot be  
3 developed in isolation. That's why we need to look at how  
4 any new definitions fit into the existing statutory  
5 structure. So that's why we felt it was important to look  
6 at pyrolysis and biological conversion. And as you can  
7 see on the slide there, you know, pyrolysis is part of  
8 transformation, but also considered a non-combustion  
9 technology and the description there of anaerobic  
10 digestion and compost.

11                               --o0o--

12           SUPERVISOR BERTON: An option on this issue is to  
13 include a discussion of the potential ramifications of  
14 amending the transformation definition on not only solid  
15 waste disposal, PRC Section 40192, but other statutory  
16 definitions that so we look at what other conforming  
17 statutory changes would be needed if transformation were,  
18 in fact, amended.

19                               --o0o--

20           SUPERVISOR BERTON: I'd like to talk about the  
21 requirements -- the second and third requirements in AB  
22 2770 combined.

23           The second requirement is a description and  
24 evaluation of the life cycle, environmental, and public  
25 health impacts of each conversion technology in comparison

1 to those environmental and public health impacts from the  
2 transformation and disposal of solid waste. Kind of  
3 linked --

4 --o0o--

5 SUPERVISOR BERTON: -- to it is a description and  
6 evaluation of the technical performance characteristics,  
7 feedstocks, and emissions and residues used by each  
8 conversion technology and, again, the identification of  
9 the cleanest, least polluting technology.

10 --o0o--

11 SUPERVISOR BERTON: The life cycle analysis was  
12 based on specific scenarios. We use the life cycle  
13 analysis to look at the environmental effects. The life  
14 cycle analysis was based on specific scenarios using  
15 gasification, acid hydrolysis, and catalytic cracking, and  
16 compared them to items -- to landfilling with no gas  
17 collection, landfilling with gas collection, landfilling  
18 with gas collection and energy recovery, and also  
19 waste-to-energy combustion, that is transformation, with  
20 metal recovery and ash.

21 We chose these three technologies because at the  
22 time that we let out the Request for Proposals and the  
23 like, these were -- gasification, acid hydrolysis, and  
24 catalytic cracking were the technologies that many of the  
25 local jurisdictions were particularly interested in.

1           We presented some interim results at a workshop  
2 on April 15th, 2004, and we got a lot of stakeholder  
3 feedback indicating a desire to also compare the  
4 conversion technologies to composting and MRF recovery.  
5 So additional analysis was conducted based on that  
6 stakeholder feedback.

7                               --o0o--

8           SUPERVISOR BERTON: Now, those scenarios included  
9 at its maximum extent twelve facilities in two regions,  
10 the L.A. Basin and San Francisco, had a growth period over  
11 seven years, and, again, looked at gasification, acid  
12 hydrolysis, and catalytic cracking.

13                              --o0o--

14           SUPERVISOR BERTON: Now, the life cycle and  
15 environmental findings that are included in the report to  
16 the Legislature, as you can see on your slide, show that  
17 conversion technologies produce more energy than  
18 landfilling and transformation. They have lower NOX  
19 emissions, oxides of nitrogen, and other criterion  
20 pollutants.

21           Conversion technologies are lower than  
22 landfilling and transformation. You also have lower CO2  
23 emissions from conversion technology than landfilling and  
24 transformation, which is important from a greenhouse gas  
25 perspective. And also it was important to point out there

1 is limited data -- there is data, although it's limited,  
2 to adequately assess dioxin and furan and other hazardous  
3 air pollutants. And this is all pointed out in the  
4 report.

5 --o0o--

6 SUPERVISOR BERTON: Additionally, the  
7 environmental benefits are dependant on high conversion  
8 efficiencies and material recovery rates. I think an  
9 important thing that was pointed out is that conversion  
10 technologies will actually decrease the amount being  
11 landfilled. However, there are no conversion technologies  
12 that use processed or sorted MSW in the U.S. They don't  
13 exist right now.

14 --o0o--

15 SUPERVISOR BERTON: We had also asked our U.C.  
16 researchers to collect as much data as possible. And this  
17 table shows emissions from gasification facilities. The  
18 following table will show emissions from pyrolysis  
19 facilities. These are facilities that were processing  
20 municipal solid waste. They're all out of the country,  
21 Japan and Europe.

22 As you can see from the data -- I'm not sure how  
23 clear it is on your screen. But in many cases these  
24 facilities operate below established regulatory limits.  
25 This table includes U.S. EPA limits, limits from the South

1 Coast Air Quality Management District, and the German  
2 limits for these different kinds of pollutants.

3 I'd like to point out the EPIC I and EPIC II in  
4 the blue shaded boxes was a gasification test conducted at  
5 the University of Sherbrooke in Canada. It was an  
6 independent study done on just pure plastic feedstock. So  
7 I thought that it was important to include that as well.  
8 And the information from Chiba City, Japan, in the  
9 greenish boxes, was from a gasification study that used  
10 pure MSW as a feedstock.

11 --o0o--

12 SUPERVISOR BERTON: This next table shows data  
13 from the pyrolysis facilities throughout the world that  
14 process MSW. Again, the data showed they can operate  
15 within established regulatory limits.

16 If I had data for biological and conversion  
17 technology facilities -- chemical conversion facilities,  
18 I'd like to show them. But, unfortunately, there are no  
19 operating facilities in the world that use processed or  
20 sorted MSW. So without facilities, you can't get data.

21 We still have asked the U.C. researchers to  
22 contact local regulators in the countries where these  
23 facilities are located and to ask for emission data. So,  
24 you know, we're not stopping here. We're going to keep  
25 moving forward.



1                               --o0o--

2               SUPERVISOR BERTON:  As far as public health  
3 impacts, we felt the best way to assess the public health  
4 impacts was to work with the Office of Environmental  
5 Health Hazard Assessment, and we asked them to evaluate  
6 and characterize the potential health effects using the  
7 data we provided them.  We sent the data to OEHHA, and  
8 they determined it was not of the type sufficient to  
9 access the public health impacts.  OEHHA needs  
10 site-specific data, like metrological information,  
11 identification of potentially exposed populations, release  
12 and leak rates, et cetera.

13               We do have a representative from OEHHA here to  
14 answer any questions, should you have any, as to what kind  
15 of data needs they have.

16                               --o0o--

17               SUPERVISOR BERTON:  Now, comments we received on  
18 these two issues are the fact that there's an incomplete  
19 evaluation of environmental and public health impacts.  The  
20 Board report must include a complete evaluation of public  
21 health and environmental impacts on all types of  
22 conversion technologies; coordinate with OEHHA to devise  
23 and implement an evaluation methodology; identify cleanest  
24 and least polluting technology; and also a comment that  
25 the Conversion Technology Report fails to provide the

1 Legislature the information on public health and  
2 environmental effects of conversion technologies.

3 --o0o--

4 SUPERVISOR BERTON: Again, staff believes the  
5 environmental impacts were analyzed to the best of its  
6 ability in the life cycle analysis study. And as I stated  
7 earlier, we asked the U.C. researchers to contact local  
8 regulators in countries where those existing facilities  
9 are and to ask them for emissions data.

10 Again, there's no data from biological or  
11 chemical processes, like acid hydrolysis, that use  
12 processed or sorted solid waste, again, because no such  
13 facilities exist.

14 Now, we are currently gathering additional  
15 pyrolysis data from some emissions testing that was done  
16 in Riverside County at the Romoland facility. This  
17 testing was done by an independent laboratory using South  
18 Coast Air Quality Management District protocols. The  
19 material tested was post-MRF residuals, materials that  
20 would normally have been landfilled. And the facility  
21 operator will be sharing all the data with our U.C.  
22 researchers for an independent analysis. And we will  
23 share that -- send that data over to OEHHA for their  
24 analysis as well.

25 Now, we didn't identify the cleanest and least

1 polluting technologies, because based on the scientific  
2 information and the University of California study, there  
3 is no single technology suitable for all feedstocks. And  
4 there is no single technology that is the cleanest and  
5 least polluting. Each technology has its own set of  
6 advantages and disadvantages.

7           As an example, thermal technologies can process a  
8 wider variety of feedstock and could have a larger impact  
9 on landfill diversion. The thing there, though, is that  
10 you may have some ash and char issues to deal with.

11           Biological technologies can only process the  
12 organic fraction of material going to landfill, but the  
13 residuals may be compostable residuals. So, you know,  
14 again, it runs along a spectrum. There's no single -- in  
15 my opinion, no single technology that's cleanest and least  
16 polluting, and these are some of the reasons why.

17                               --o0o--

18           SUPERVISOR BERTON: So how could we deal with  
19 that?

20           One option, of course, is to acquire additional  
21 data. And whatever additional data we have sent to OEHHA,  
22 we will be working with OEHHA to determine what they need  
23 as far as data and ask them to analyze all that data.

24                               --o0o--

25           SUPERVISOR BERTON: Item 4, the fourth

1 requirement, is a description and evaluation on the  
2 recycling and composting markets as a result of each  
3 conversion technology.

4 --o0o--

5 SUPERVISOR BERTON: Our life cycle and market  
6 impact contractor included a market component for  
7 recycling and composting and compared that to  
8 gasification, acid hydrolysis, and catalytic cracking.

9 When preliminary results were presented to  
10 stakeholders at an April 15th, 2004, workshop, many  
11 stakeholders stated that the true market impact could not  
12 be assessed really without factoring in diversion credit  
13 issues. So we asked our contractors to include that  
14 sensitivity analysis for diversion credits, and we used  
15 all that analysis in the Conversion Technology Report.

16 --o0o--

17 SUPERVISOR BERTON: A comment we received was the  
18 fact the Conversion Technology Report makes  
19 recommendations on conversion technologies not called for  
20 under the law, and specifically dealing with diversion  
21 credit.

22 As I mentioned before, the true market impact  
23 cannot be assessed if diversion credit was not factored  
24 in. And so we had agreed with the stakeholders on that  
25 issue, and we felt it would be remiss in ignoring that

1 important issue.

2           So the sensitivity analysis, we felt, could  
3 provide a more thorough and complete analysis of all  
4 markets related to conversion technologies and its  
5 potential impact on composting and recycling.

6           One option for this comment that we received was  
7 to remove any recommendations pertaining to diversion  
8 credit. Another option is perhaps to remove all  
9 recommendations.

10           Regardless, the diversion credit sensitivity  
11 analysis was conducted by our contract and will still  
12 remain there, since it was an independent study.

13                               --o0o--

14           SUPERVISOR BERTON: The fifth requirement  
15 pertains to peer review. The Board shall require that the  
16 report be subject to an external scientific peer review  
17 process conducted pursuant to Section 57004 of the Health  
18 and Safety Code.

19                               --o0o--

20           SUPERVISOR BERTON: What the Health and Safety  
21 Code states is it requires a scientific basis of a  
22 regulation or a rule be peer reviewed. And in this case,  
23 it would be the -- as it pertains to the CT report to the  
24 Legislature, it would be the scientific basis of the  
25 report. The two contractors' studies served as the

1 scientific basis behind the CT report, and both of those  
2 studies were peer reviewed.

3 --o0o--

4 SUPERVISOR BERTON: Again, a comment we received  
5 was the fact the CT report was not peer reviewed. Again,  
6 the contractor would support a scientific basis of the CT  
7 report to be peer reviewed. However, the CT report itself  
8 was not peer reviewed. And one option was to submit the  
9 Conversion Technology Report for a peer review.

10 --o0o--

11 SUPERVISOR BERTON: The final requirement in the  
12 report was that we work with the Energy Commission and  
13 other relevant agencies. Specifically, the Board shall  
14 consult with the State Energy Resources Conservation and  
15 Energy Commission and other state, federal, or  
16 international governmental agencies in preparing the  
17 report required by this section.

18 Prior to embarking on the conversion technology  
19 evaluation, the U.C. researchers convened a technical  
20 advisory group that included --

21 --o0o--

22 SUPERVISOR BERTON: -- the Energy Commission and  
23 other agencies, as you can see on the slide, Air Board,  
24 Department of Toxics, National Renewable Energy  
25 Laboratory, and Electric Power Research Institute, and

1 Academia.

2 In addition, all the information that we've  
3 gleaned from all these reports, including the Conversion  
4 Technology Report, has been shared with all our sister  
5 agencies.

6 --o0o--

7 SUPERVISOR BERTON: We did not receive any  
8 comments on this particular issue, however.

9 --o0o--

10 SUPERVISOR BERTON: So now next steps. And I'm  
11 all ears.

12 So I'm here to answer any questions. Again, the  
13 representative from OEHHA is here to answer any questions,  
14 should you have any. And that concludes my presentation.

15 CHAIRPERSON MARIN: Thank you, Fernando. That  
16 was very nice, the questions and the answers from our end.

17 I do have a couple of questions -- actually, more  
18 than a question. Well, it is a question to the person  
19 from OEHHA. Who's here? Please come over. State your  
20 name for the record. I know we've been working with you.

21 MR. PAINTER: My name is Page Painter. I'm a  
22 Senior Toxicologist with OEHHA.

23 CHAIRPERSON MARIN: Thank you so much for being  
24 here.

25 My question is, how much and how long would it

1 take to get further data, if at all, that would answer the  
2 question that the Legislature is seeking? Do you have any  
3 idea? And how much would it be?

4 MR. PAINTER: I can't answer that question  
5 specifically. Each conversion technology process would  
6 have to be analyzed, and we would have to make a data  
7 sampling plan and find an appropriate facility in order to  
8 answer that question.

9 How long, if we can find an appropriate facility,  
10 this can be done in months, probably less than a year.

11 How expensive? I don't know.

12 CHAIRPERSON MARIN: Okay. I know that we  
13 attempted to do some of this. I mean, that was one of the  
14 initial tasks. When we attempted to find a location or a  
15 facility, there wasn't one that was here or available.

16 One of the questions that was raised as to if we  
17 were to find that in Europe, you know, there is a facility  
18 that is doing X right now, could we extrapolate that and  
19 then make an assessment as to what the health impacts  
20 would be for California? Would that be something that  
21 OEHHA would be able to do?

22 MR. PAINTER: I think the answer is yes. We  
23 could extrapolate the information on releases, provided  
24 that the feedstocks in the European facility -- this is a  
25 key -- that the feedstocks are similar to what we would



1 expect in California.

2 CHAIRPERSON MARIN: Yeah. And, obviously, that  
3 poses a challenge, because the feedstock that -- for  
4 example, the requirements that we would have may be far  
5 more stringent than might be available right now, let's  
6 just say, in any other country. Where, here, we're asking  
7 for a pre-processing. That may not necessarily be over  
8 there. So to the best of the ability, we can only ask  
9 what is possible.

10 BOARD MEMBER MULÉ: Madam Chair.

11 CHAIRPERSON MARIN: How do we ask for the  
12 impossible?

13 BOARD MEMBER MULÉ: What we can do is make our  
14 assessment based on it's mixed municipal solid waste. And  
15 we state that up front, that your analysis is based on  
16 mixed municipal solid waste, as opposed to pre-sorted  
17 feedstock.

18 CHAIRPERSON MARIN: Well, I believe that what we  
19 must do, we must try to the best of our ability, answer  
20 the question posed by the Legislature, to the very best.  
21 And if there are limitations, whether it's feedstock or a  
22 facility or maybe a different technology, that we attempt  
23 to answer the question that the Legislature asked.

24 You know, our best answer was, we have no answer,  
25 and that was not good enough. So as challenging as that

1 is, I think that what we must do is attempt to answer with  
2 the best information that we can possibly gather.

3 Now, the question would be -- we have a few steps  
4 to take, because, clearly, the report was due to the  
5 Legislature long ago. So we have two options.

6 We have an option of holding the report until we  
7 get that information. It could be months. It could be  
8 years until we have the best available data that we can  
9 acquire.

10 Or we can send the report to the Legislature as  
11 it is, noting that we are attempting to collect that data,  
12 the public health data, and submit it to the Legislature  
13 with that appendix coming as soon as we get it. And it  
14 could be a few months or however long it would take to  
15 gather as much data as possible.

16 So because the report was due to the Legislature  
17 already and it's already late, it might behoove us to send  
18 the report that we have with the caveat that the health  
19 data is forthcoming.

20 We have Ms. Mulé and then Ms. Peace.

21 BOARD MEMBER MULÉ: Thank you, Madam Chair.

22 CHAIRPERSON MARIN: I'm sorry. I was looking at  
23 you. I'm sorry. It's Ms. Peace first and then Ms. Mulé.

24 BOARD MEMBER PEACE: I guess I'd like to say that  
25 I don't like the fact that we were asked to reconsider

1 this report, because I thought that we made some pretty  
2 darn good recommendations in the report.

3           The unrealistic and confusing definitions  
4 California has set in statute as it relates to conversion  
5 technologies is a road block. The diversion credit  
6 question is a road block that does need to be addressed by  
7 the Legislature. How we ultimately define disposal needs  
8 to be addressed.

9           And, you know, I guess I have faith in human  
10 ingenuity. When I look at space shuttles, computers, and  
11 micro chips, and even cell phones, I guess I wonder if  
12 these things would exist if these industries had to  
13 operate under these convoluted definitions and a zero  
14 waste emissions expectation. But the conversion  
15 technologies being tested today, if they don't meet  
16 acceptable air emission levels, then let's encourage the  
17 development of conversion technologies not even yet  
18 imagined.

19           That does not mean in any way we give up on  
20 recycling. Those things go hand in hand. But I have to  
21 believe we can come up with a better way to deal with the  
22 millions of tons of garbage produced in the state every  
23 year than putting it into a hole in the ground like we do  
24 now where it causes a whole list of environmental  
25 problems.

1           What if we are converting our garbage to energy  
2 and fuel if it could get us off our dependence on foreign  
3 oil, while extending the life of our landfills.

4           So we need to take down the road blocks. We need  
5 to get on to the road to innovation. And I believe we do  
6 need to work with the Legislature. The Assembly Natural  
7 Resources Committee held onto three conversion technology  
8 bills so they could have an interim review of the subject  
9 over the next several months. And I would sure like if  
10 our staff could be prepared to assist the legislative  
11 committees as they get ready for their hearings in  
12 Northern and Southern California.

13           I think we can work with the Legislature.  
14 California has always been a leader. Let us be a leader  
15 in the development of conversion technology as well.

16           With that being said, what I would like to do, I  
17 would like to move that the Conversion Technology Report  
18 be amended to remove the recommendations made in the  
19 report that were not specifically responsive to the  
20 legislative mandate of AB 2770. And then along with that,  
21 we can put a comment sheet addressing some of the reasons  
22 why we don't know, why we couldn't address the fact  
23 that we couldn't identify the cleanest polluting -- the  
24 cleanest and least polluting technologies. They address  
25 the question as to why they feel we didn't provide them

1 with the public health informational environmental effects  
2 of conversion technology. Explain why we couldn't do  
3 that. We just don't have a lot of that information.

4 And then along with that, to incorporate our  
5 recommendations and what we lay forward in the report, to  
6 incorporate those recommendations and any other things  
7 that we feel appropriate in a separate letter to be  
8 submitted to the Legislature simultaneously, but  
9 separately from the Conversion Technology Report.

10 CHAIRPERSON MARIN: Okay, Ms. Peace. I think  
11 there are a couple of other comments before a motion is  
12 taken.

13 Ms. Mulé.

14 BOARD MEMBER MULÉ: Just hear the motion. That's  
15 okay.

16 CHAIRPERSON MARIN: So Mr. Washington.

17 BOARD MEMBER WASHINGTON: Yes, Madam Chair. The  
18 issue of conversion technology, when will we ever know if  
19 it doesn't exist? I mean, I'm trying to really be  
20 practical and get to some bottom lines here. I mean, we  
21 could study to death, but if there's nothing to study, how  
22 can we ever get a report to them? If anybody can answer  
23 that in the entire building, come on up. Anybody.

24 MR. PIGOTT: I'm not going to solve the world's  
25 problems. My name is David Pigott. I represent

1 International Environmental Solutions, which is the  
2 organization down in Romoland with the pyrolysis unit.

3           And I sympathize with your task, because there is  
4 very little information to draw the kind of conclusions  
5 that everybody wants to have drawn. But I would say that  
6 what Ms. Peace has earlier stated, and that is that the  
7 current law acts as a drawbridge that's been pulled up  
8 with respect to development of new technologies. Our  
9 pyrolysis system, for instance, falls within the existing  
10 definition of transformation. Well, transformation only  
11 qualifies if it was up and operating and permitted as of  
12 1995. Well, it's too late for us to do that.

13           So in the absence of a modification of that  
14 provision, our market has to be a municipality that is  
15 willing to forgo the diversion credit. I don't think  
16 there is such a municipality. So it makes it very  
17 difficult from a pure marketing standpoint to go forward  
18 with the idea that we have something that's suitable.

19           The second thing is on the data. You don't have  
20 it, and you may not have it yet. I would say there's a  
21 memorandum I supplied to staff, which I believe has been  
22 supplied to you, which I also submitted yesterday to the  
23 Natural Resources Committee on their hearing of AB 1090.  
24 And as I stated in that, we are complete to the point  
25 where, well, if the facility is constructed, it's met all

1 the standard construction requirements of the County of  
2 Riverside.

3 One of the conditions of our building permit was  
4 that we meet all the conditions of the South Coast Air  
5 Quality Management District. And now we have struggled to  
6 the point where the AQMD, which I will characterize they  
7 have been excruciating in requiring detail, but I  
8 certainty do not consider them to be adverse. They've  
9 been very, very thorough. They've issued their protocol.

10 The tests that we did undertake in March have  
11 been completed. The data has been submitted to a  
12 third-party independent evaluator, recommended, and  
13 approved by AQMD. As of Friday, we spoke with that third  
14 party. He is not ready to reveal total results. But I  
15 can characterize, can say he is very positive with the  
16 results he has seen so far. He's required to supply his  
17 report to AQMD within 60 days after the close of the test  
18 period, which was March 30th. So at the end of May is the  
19 absolute latest he has to supply to AQMD. What the period  
20 of time may be that AQMD needs to turn it around, I don't  
21 know.

22 But that will be some data. It will be site  
23 specific. There will be a health assessment that will  
24 come out of it. And as far as we are concerned, if there  
25 is another legitimate governmental organization that needs

1 to be involved in the health assessment of our operation,  
2 we stand 100 percent ready to cooperate and provide  
3 whatever information is necessary to facilitate that. But  
4 that's where we are. We're to the point where we think we  
5 have a process that is ready for market and is just short  
6 of the final evaluations.

7 So we would ask you to at least consider that the  
8 existing law be modified to the point where it no longer  
9 blocks this kind of an effort.

10 CHAIRPERSON MARIN: Thank you.

11 BOARD MEMBER WASHINGTON: Madam Chair, a question  
12 to you. You went to -- you and Member Mulé were up for  
13 confirmation, and I understand this particular issue by  
14 one of the Rules Committee members became a long  
15 discussion.

16 For me, here's the only two things I have here.  
17 We submitted a report to the Legislature. Why are we back  
18 here with this report? And if there was no real reason to  
19 rush this over to the Legislature and if we don't have to  
20 rush this, it seems to me then we need to be practical in  
21 what we're doing here.

22 It seems to me that we probably need to permit a  
23 couple of these technology centers, conversion  
24 technologies, so we can understand what we're doing. It  
25 makes no sense for us to keep going back and saying to



1 people, give us more and more information, when perhaps,  
2 like you say, in six months or a couple years we have one  
3 and we can determine for ourselves from that particular  
4 conversion technology where we are.

5           And I'm just trying to think practical here in  
6 the sense if we're going to send these reports back and  
7 forth. It sounds to me the Legislature didn't like what  
8 we sent over to them. So then we need to do something so  
9 we don't have the same problem when we go back. And I  
10 believe we're going to have the same problem coming from  
11 the Legislature, even if we submit the current report as  
12 it is, even if you put a letter on top of a letter.

13           CHAIRPERSON MARIN: Well, I think that the  
14 Legislature believes that the report in some areas did not  
15 answer the questions that were being asked, number one.  
16 So what we need to do is answer the questions the way the  
17 Legislature specifically asked.

18           BOARD MEMBER WASHINGTON: That's my question to  
19 you. Can we answer those questions?

20           CHAIRPERSON MARIN: We can answer some of them.  
21 There are things that we were basically told that the  
22 report went beyond what the Legislature called for. So  
23 they don't need to know what they didn't ask.

24           BOARD MEMBER WASHINGTON: Okay.

25           CHAIRPERSON MARIN: And in addition to that,

1 there is some data that we do not have that they  
2 specifically asked for, the health impacts. And at this  
3 point in time, it wasn't really possible to include that,  
4 because we didn't have that.

5 What they're asking is to go out there and get  
6 some to the best of our ability, and we would then task  
7 what we have with that. But in the mean time --

8 BOARD MEMBER WASHINGTON: So would they be  
9 satisfied if there is no ability to get more information?

10 CHAIRPERSON MARIN: Well, I think that our task  
11 is to do the very best effort in trying to get as much  
12 data as we can. That's the task before us.

13 We do have three speakers on this. So if I may,  
14 I'm going to have an opportunity for Mark Aprea to come in  
15 and speak. Then it will be Scott Smithline, and then  
16 Colby Skye.

17 MR. APREA: Good afternoon, Madam Chair, members  
18 of the Board. Mark Aprea on behalf of Republic Services.

19 I believe it became clear two or three weeks ago  
20 that the Legislature was not in the position to make any  
21 policy changes with regard to conversion technology this  
22 calendar year.

23 As Ms. Peace mentioned, the Assembly Natural  
24 Resources Committee yesterday committed to holding an  
25 interim or informational hearing on this issue, possibly

1 this summer, but certainly before the beginning of next  
2 year.

3 At that hearing, one opponent made the statement  
4 that conversion technology was more dangerous than a  
5 nuclear power plant, stating that dioxin emissions are  
6 more dangerous to human health and safety than plutonium.  
7 In the face of such hysterical statements, we would ask  
8 and suggest that the Board take on the role of Diogene and  
9 carry the lantern and put light on the facts and find out  
10 what the truth is and not allow for misinformation to be  
11 spread.

12 Now, I think that we certainly don't want to ask  
13 this Board or any Board member to take on more trouble  
14 from the Legislature in its endeavors. But we think it's  
15 important that the Board act in a role of truth seeker and  
16 fact finder and that you not back away from that role.  
17 You carry -- you and the staff have a very, very important  
18 role in determining what is conversion technology, what it  
19 does, what it does not do, how does it fit in with all the  
20 other solid waste management strategies that we currently  
21 employ. And whether or not you make a recommendation to  
22 carry on a policy decision or not is up to you. But if  
23 you don't carry on that role, certainly, I don't think  
24 that the Legislature is equipped to engage in that kind of  
25 a detailed study.

1           Frankly, you and only you have that capability.  
2 And we would ask that you not back away from that  
3 responsibility. And if you do so, then the Legislature  
4 will have the facts before them and they can make the  
5 policy decisions.

6           Now, we at that point may agree to disagree with  
7 other stakeholders, but I think then we will have the  
8 facts on which the Legislature can take a look at this  
9 issue and for us to, in essence, develop some policy.

10           And so at this point, we would ask that you move  
11 forward with submitting your report, and whether you  
12 follow the recommendations of Ms. Peace or otherwise, that  
13 you not lose sight of the very critical role that you play  
14 as a fact finder and truth seeker.

15           CHAIRPERSON MARIN: Thank you, Mr. Aprea.

16           Mr. Smithline.

17           MR. SMITHLINE: Good afternoon, Madam Chair,  
18 Board members. I'm Scott Smithline with the environmental  
19 group Californians Against Waste.

20           I'd like to begin by saying we have great  
21 appreciation for your decision to re-agendize this issue  
22 and reconsider this item. I say that as an organization,  
23 as a public citizen. I think it's not without great  
24 consideration that you make this decision to reconsider an  
25 item. So I appreciate that very much.

1           Where to go from here? I'd also like to mention  
2 I have not met the gentleman behind me from Romoland, but  
3 I'd say it was a breath of fresh air to hear him speak,  
4 frankly. I felt his honesty was refreshing.

5           There are no fundamental legal barriers to most  
6 of these conversion technologies at this point. The  
7 fundamental barrier is that they're not economically  
8 feasible on the playing field they're on right now. And  
9 it doesn't make sense from our perspective to give them  
10 diversion credit to make them economically feasible to  
11 study them. I think that's really the main policy issue  
12 that we have.

13           With respect to where to go from here, I think it  
14 makes most sense to hold this report, more along the lines  
15 of what Board Member Washington was saying, until you have  
16 the data to report back. If you decide to move this  
17 report forward to the Legislature, I think Board Member  
18 Peace said that it would be -- you would remove all  
19 recommendations that were not specifically responsive to  
20 the legislation. I think that would be not as good of an  
21 alternative, but I think that is definitely moving in the  
22 right direction.

23           So I'd be happy to answer any questions. We've  
24 had a lot of correspondence, and I'm not sure if you have  
25 questions at this point.

1           CHAIRPERSON MARIN: Ms. Mulé.

2           BOARD MEMBER MULÉ: Scott, I just think there's a  
3 misunderstanding. I don't think this Board ever intended  
4 to recommend diversion credits of any type for any type of  
5 pilot project. Am I correct? I don't think that that was  
6 our intention at all.

7           MR. SMITHLINE: I must have misspoke if that's  
8 the impression you got from what I said. I'm not sure --  
9 what I did say that made you think that?

10          BOARD MEMBER MULÉ: I thought you said that the  
11 Board was recommending diversion credit for a pilot  
12 project and --

13          MR. SMITHLINE: No. I didn't attribute any  
14 motive to the Board's recommendation for diversion. But  
15 what I'm saying is the reason we can't study these things  
16 is because they're not here. And the reason they're here  
17 is because they're not economically feasible, given the  
18 current playing field, because they don't qualify for  
19 diversion credit.

20          And I'm just saying we can't put that diversion  
21 credit out there as a mechanism to get the facilities to  
22 come so we can then test them. We have to have the public  
23 health impact data first. There's not a single one of  
24 these things in the United States, let alone California,  
25 processing MSW. So we don't know how they operate.

1           BOARD MEMBER MULÉ: But, actually, the gentleman  
2 behind you --

3           MR. SMITHLINE: Minus the one gentleman behind me  
4 I've yet to meet.

5           BOARD MEMBER MULÉ: So you're right. There is no  
6 legal barrier from allowing these facilities to construct  
7 and operate in California. And we do have one such  
8 facility in Romoland. And I do know that Riverside County  
9 in conjunction with Waste Management is looking at  
10 operating an anaerobic digestion facility in the desert.  
11 So we will have some data.

12           And maybe that's what we need to tell the  
13 Legislature, is that we don't have data here in  
14 California, but there are projects that are coming online.  
15 And as soon as we get that data, we can share that, in  
16 addition to OEHHA doing its analysis based on the  
17 facilities that are in Europe. And, again, based on the  
18 fact they're using mixed municipal solid waste as a  
19 feedstock.

20           So, again, I mean, to me, there's a lot of  
21 confusion within this report. And I think we need to just  
22 make it as simple and as direct as possible and answer the  
23 questions, as we've been saying all along, and clarify  
24 some of those points that there is data out there. There  
25 is. But it may not be exactly the data that OEHHA needs

1 to perform its assessment. But as Chair Marin was saying,  
2 we need to do the best that we can and let the Legislature  
3 know these were our limitations. However, based on those  
4 limitations, this is what we were able to accomplish per  
5 your requirements.

6 MR. SMITHLINE: And Board Member Mulé, if I may,  
7 you know, sometimes we get pinned in this way. Frankly,  
8 we never had the intent of being obstructionists. We  
9 supported permitting of these facilities several years ago  
10 when those regulations came before this Board. We support  
11 their development. We're as interested as anyone else to  
12 see. We have no vested interest in any particular  
13 technology. We're Californians Against Waste. So we'd be  
14 very pleased to see that data, and anticipating. Thank  
15 you.

16 BOARD MEMBER MULÉ: As are we.

17 CHAIRPERSON MARIN: Thank you.

18 Mr. Coby Skye.

19 MR. SKYE: Good afternoon, Madam Chair and  
20 esteemed members of the Integrated Waste Management Board.  
21 My name is Coby Skye. I'm an Associate Civil Engineer  
22 with the Los Angeles County of Department of Public Works.

23 First and foremost, I want to extend our  
24 Department's appreciation for the Board's unanimous  
25 adoption of Resolution 2005-78 on March 15th that was



1 summarizing the Conversion Technology Report to the  
2 Legislature.

3           This is an important report that provided  
4 accurate and impartial analysis of this complex issue.  
5 And we believe that the quality and impartiality of the  
6 report was evidenced by the overwhelming positive comments  
7 that were provided by most of the stakeholders that did  
8 provide comments. And I know there were a lot of comments  
9 provided, including those that wanted to make changes to  
10 the report, but were still very positive in the tone of  
11 those comments.

12           Based on the findings of this comprehensive  
13 report, as well as the Resolution, our own Los Angeles  
14 County Board of Supervisors took action in support of  
15 Assembly Bill 1090 and conversion technologies in general.  
16 And I have a copy of that letter to enter into the record.  
17 And I'll do that after my comments.

18           We certainly welcome the addition of the most  
19 up-to-date information that's available right now. And I  
20 think it's certainly possible to do that as an addendum to  
21 the report. I don't think it's necessary to hold up the  
22 report in order to provide that additional data down the  
23 line.

24           Also, I would agree with Mr. Washington. The  
25 best way to find data that's relevant in California is to

1 develop demonstration facilities. And Los Angeles County  
2 is a partner to develop such a facility in Southern  
3 California currently. We're hoping to move that forward  
4 over the next one to two years.

5           We also recommend that all of the vital  
6 information, including the recommendations, be retained  
7 either as a separate memo or within the report itself,  
8 because that information is not only important to the  
9 Legislature when they're developing policy, but also to a  
10 number of other policy makers and decision makers  
11 throughout the state. And an example of that is the  
12 letter that I just provided.

13           Once again, I wanted to offer our appreciation  
14 for the Waste Board in taking a lead on this issue and  
15 improving the state and our ability to reduce the amount  
16 of waste going to landfills. I know we're going to  
17 continue to improve as we move towards our goal.

18           Ultimately, if the Waste Board does decide to  
19 reconsider the report or delay action, that we certainly  
20 would appreciate the opportunity to provide comments and  
21 be involved in that process.

22           And I wanted to just thank Ms. Peace for her  
23 comments. And if there are any questions that you have  
24 for me in regards to our efforts to develop the  
25 demonstration facility or anything else we're involved in,

1 I'd welcome those questions.

2 CHAIRPERSON MARIN: Thank you, Mr. Skye.

3 Any questions for Mr. Skye?

4 And last, but not least, is Mr. Evan Edgar.

5 MR. EDGAR: Madam Chair and Board members, I'm

6 Evan Edgar from the California Refuse Removal Council.

7 We look at our AB 939 infrastructure as a great  
8 investment in California, and we see conversion  
9 technologies that would complement it, add to it. We  
10 co-locate these facilities at our current facilities. We  
11 are not in competition of ourselves of this feedstock. We  
12 could use this feedstock to be energy independent for  
13 California. Whether source separated feedstocks, ethynyl  
14 or mixed feedstocks, we believe this is the next big thing  
15 to complement AB 939.

16 As an industry, I concur with the comments of  
17 Mark Aprea. He summarized it quite well with regards to  
18 where we stand as an industry and we need to move forward.

19 I believe in the comments of Ms. Peace with  
20 regards to the fact that we have to trust the Air Board to  
21 do their job, and we can do our job and move forward with  
22 the key component as the next phase of AB 939.

23 As a trade association, we support MRF first,  
24 whereby any feedstock needs to go through the MRF  
25 facilities prior to going to conversion technology where

1 we can complement the traditional recycling with new and  
2 improved recycling to get energy conversion for energy  
3 independence. We also supported the concept of -- with a  
4 pre-processing of the MRF first concept, if and should  
5 there be a bill to get to 75 percent as a goal towards  
6 zero waste is procured, this has to be part of AB 939  
7 credit to get to 75 percent. Thank you.

8 CHAIRPERSON MARIN: Thank you, Mr. Edgar. Okay.

9 Further discussion? Any questions? Somebody  
10 else is fast approaching.

11 Go ahead and state your name for the record.

12 MR. ABBS: My name is Alan Abbs. I'm the Solid  
13 Waste Director from Tehama County, and I'm also  
14 representing the Regional Council of Rural Counties'  
15 Environmental Services JPA.

16 And I just wanted to make one brief comment and  
17 say that right now in Tehama County we are in the middle  
18 of a process to site a gasification facility which is  
19 specifically for medical waste to energy. And I believe  
20 that facility is looking for a machinery that would allow  
21 them to accept somewhere around six tons per day of  
22 medical waste, turn it into electricity, and then send  
23 that electricity next door to one of two lumber mills that  
24 will be co-located with this facility.

25 And in the beginning, the investors in this

1 project looked to the Waste Board and the RMDZ Program to  
2 see if they would be available for some help in funding.  
3 And, ironically, what they found out was that the process  
4 as they described, which would be accepting medical waste,  
5 turning it into electricity, and then selling electricity,  
6 would not, in itself, allow them to receive any RMDZ  
7 funding. But if they used RMDZ funding to purchase an  
8 auto cleave, turned the medical waste into a non-hazardous  
9 solid waste, then turned it into electricity, that could  
10 possibly meet the criteria for RMDZ funding.

11           So it's rather ironic that when you talk about  
12 diversion credits that we can look at one process as being  
13 eligible to receive funding or credits, yet another  
14 process which actually might be easier to do being not  
15 eligible for funding or for diversion credits. So I  
16 wanted to share that with the Board.

17           And also with respect to rural counties, when you  
18 look at some of the distances that rural counties have to  
19 travel to take some recyclables to market or some waste to  
20 market, I think there is room for some of these conversion  
21 technologies to be economical for rural counties that are  
22 on the outskirts. And even though this gasification  
23 facility in Tehama County is going to be permitted for  
24 medical waste, I sure would love to have the opportunity  
25 to bail up some non-marketable waste plastic that we can't

1 pay the freight costs to send down to Sacramento or the  
2 Bay Area, and turn it into electricity, instead of just  
3 taking it out to the landfill. So I wanted to share that  
4 with the Board also.

5 And the last thing I would like to say, I applaud  
6 Ms. Peace for her comments, because I do believe that  
7 these are technologies that have a place in our waste  
8 management structure for this next century.

9 CHAIRPERSON MARIN: Thank you, Mr. Abbs.

10 You don't look like Jim.

11 MR. ABBS: No jeans.

12 CHAIRPERSON MARIN: No jeans. Are you going to  
13 start wearing jeans?

14 MR. ABBS: No.

15 CHAIRPERSON MARIN: Good. Okay. Thank you very  
16 much for your comments.

17 Okay. The report as we have it -- some of the  
18 people from the Legislature would only like to see what  
19 they asked for. So I think that it is in our best  
20 interest to give them exactly what they asked for. Okay.  
21 Nothing more, nothing less. So whatever AB 2770 asks for,  
22 to the best of our ability, we need to provide. Okay.

23 That which we do not have, we need to make very,  
24 very clear that we are in the process of attaining that,  
25 specifically the public health data. Because it wasn't

1 peer reviewed, and I don't know how long the process would  
2 it be -- even though the process, the market assessment  
3 and what was the other thing that was peer reviewed?

4 SUPERVISOR BERTON: The technology evaluation  
5 study.

6 CHAIRPERSON MARIN: So those weren't reviewed.  
7 But the report itself was not reviewed, peer reviewed. So  
8 we must ask for that. I don't know how long the time  
9 frame that would take. It doesn't seem to me it would  
10 take a long time to get that done. So that would be one  
11 more check that we need to get done. And the things they  
12 didn't ask for, we just leave that out.

13 Now, Ms. Peace, we are going to be able to -- my  
14 understanding is, including the discussions as of  
15 yesterday, the Legislature expects us to be part of the  
16 hearings when they deal with this item. So all of our  
17 recommendations and so forth, we will be able to present,  
18 if they so desire -- I think that will be the opportunity  
19 for us to come forward before the Legislature with the  
20 extras, if you will.

21 So I think that the first thing we need to do is  
22 make sure that we put forth exactly what they requested.  
23 Okay. So I don't know whether we need a motion for that.

24 DEPUTY DIRECTOR WOHL: Let me just ask, Madam  
25 Chair, do you want this report to come back in any way, or

1 can we make these changes, get it peer reviewed, and send  
2 it? If it's the latter, we would need a Resolution. And  
3 I do have a number. Although we don't actually have a  
4 Resolution written, I think you could --

5 CHIEF COUNSEL CARTER: Excuse me.

6 CHAIRPERSON MARIN: Legal. I can see her going,  
7 "Over here, let me speak." Marie Carter.

8 CHIEF COUNSEL CARTER: We have a motion on the  
9 floor, so you need to have that withdrawn, or you can put  
10 it up for request for second and a vote.

11 CHAIRPERSON MARIN: Okay. As much as I would  
12 like to agree with everything that Ms. Peace had, I want  
13 to do it cleaner.

14 So if I may, unless there is a second to her  
15 motion, I'd like to go one thing at a time. Her motion  
16 included quite a few things. That's the motion that is on  
17 the floor.

18 BOARD MEMBER PEACE: What I had suggested in my  
19 motion was the Conversion Technology Report be amended to  
20 remove the recommendations made in the report that were  
21 not specifically responsive to the legislative mandate of  
22 AB 2770. I think along with that, we can -- you mentioned  
23 you want to have it peer reviewed.

24 CHAIRPERSON MARIN: Yeah.

25 BOARD MEMBER PEACE: I guess we could do that.



1           Also, we have a comment sheet addressing how we  
2 did the best we could with the limited information that we  
3 had available and address some of their concerns as to why  
4 we couldn't provide them with emissions data, why we  
5 couldn't give them the information on the public health  
6 and environmental effect. We explain we did the best we  
7 could with the limited information we had available.

8           And then also, because I have talked to people in  
9 the Legislature and they say this is perfectly acceptable  
10 to them, that we would incorporate those recommendations  
11 that we have made on the things that we think need to be  
12 changed, definitions we need to have changed, any other  
13 recommendations that we feel are appropriate, to put those  
14 in a separate letter to be submitted to the Legislature  
15 simultaneously but separately from the report itself.

16           CHAIRPERSON MARIN: Okay. That's the motion  
17 before us.

18           Without a second, then we're going to go -- we'll  
19 take one step at a time. Okay.

20           BOARD MEMBER WASHINGTON: So you want to take the  
21 item, but you want to do them individually, one at a time?

22           DEPUTY DIRECTOR WOHL: Can I also add one, which  
23 I think you covered, Madam Chair, which maybe was missed.  
24 You did say all the recommendations to be removed, but  
25 there is a reference to diversion credit in the body of

1 the report.

2 CHAIRPERSON MARIN: They didn't ask for that.

3 They didn't ask for that.

4 So let me just state my motion. The motion would  
5 be that we submit to the Legislature exactly the report  
6 exactly regarding the AB 2770 requirements and only those  
7 that they required. Okay. We answer the questions that  
8 they asked on AB 2770. That the report is peer reviewed.  
9 That the items that we cannot answer, which is OEHHA --  
10 I'm sorry -- which is the health impacts, that that is  
11 forthcoming. OEHHA will try to the best of their ability  
12 to gather that information. And I think that's it. And  
13 so anything that was not asked by the Legislature, we  
14 don't put forth. Okay.

15 DEPUTY DIRECTOR WOHL: Okay.

16 CHAIRPERSON MARIN: So that answers the questions  
17 that they had.

18 BOARD MEMBER PEACE: That is all fine with me,  
19 but I want to make sure that the recommendations that we  
20 have that we do pull out in terms of what we feel the  
21 definitions should be, you know, changed to clarify the  
22 recommendations that we have also be sent.

23 CHAIRPERSON MARIN: But not in the report. They  
24 did not ask for that.

25 BOARD MEMBER PEACE: Right. Not in the report.

1 A separate letter submitted with the report.

2 CHAIRPERSON MARIN: I appreciate that.

3 But the question before us is that we need to  
4 answer the questions that the Legislature asked. That's  
5 the report. Right? Okay.

6 Is there a second to that? Without a second,  
7 that dies, too.

8 BOARD MEMBER WASHINGTON: Madam Chair, what I  
9 would like -- it sounds like you and Ms. Peace are saying  
10 the same thing, but it's sounding like Ms. Peace put all  
11 hers in one, and you're just trying to separate them out,  
12 because you don't want to answer anything they didn't ask  
13 for.

14 CHAIRPERSON MARIN: Right.

15 BOARD MEMBER WASHINGTON: So that's your motion.  
16 Give them what they asked us for.

17 CHAIRPERSON MARIN: Very simply. There's a list  
18 of questions, and the Legislature says answer this. The  
19 report that we submit needs to answer those questions.

20 BOARD MEMBER WASHINGTON: I agree. I totally  
21 agree.

22 And, Ms. Peace, you're saying you want to make  
23 sure --

24 BOARD MEMBER PEACE: Make sure our  
25 recommendations still go over there; that we make our

1 point clear that we think these things need to be  
2 clarified in statute.

3 CHAIRPERSON MARIN: They didn't ask for that.

4 BOARD MEMBER PEACE: But it won't be in the  
5 report. I have talked to people over in the Legislature,  
6 and they have said that is fine, as long as it's in a  
7 separate letter. That it's fine, as long as it's not part  
8 of the report.

9 BOARD MEMBER WASHINGTON: I'll second Chair  
10 Marin's motion to send the report to answer their  
11 questions. And then we could further discuss Ms. Peace's  
12 concerns in the form of a letter or something of that  
13 nature as it relates to your report.

14 As it relates to the report, I would second your  
15 motion.

16 CHAIRPERSON MARIN: Okay. We'll take your  
17 questions second.

18 All right. Call the roll on this one.

19 EXECUTIVE ASSISTANT JIMENEZ: Peace?

20 BOARD MEMBER PEACE: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

22 BOARD MEMBER MULÉ: Aye.

23 EXECUTIVE ASSISTANT JIMENEZ: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 EXECUTIVE ASSISTANT JIMENEZ: Marin?

1 CHAIRPERSON MARIN: Aye.

2 The report is done.

3 There was another question as to whether the  
4 report needs to come become to us or whether we can send  
5 it directly to the Legislature. I don't see the need,  
6 because we already have that information. It's  
7 repackaging it and sending it. But you're going to get  
8 that peer reviewed.

9 DEPUTY DIRECTOR WOHL: Correct. Let me get  
10 clarification from Legal. I understood from Elliot you  
11 still need to pass a new Resolution to sort of adopt the  
12 one you rescinded. You know, because you rescinded the  
13 Resolution 2005-78 by reconsidering it. Even though you  
14 did a motion, we need a Resolution.

15 CHAIRPERSON MARIN: We don't have language.

16 DEPUTY DIRECTOR WOHL: What we have is 2005-78  
17 that shows what was added by the underline. So you could  
18 go back to our original Resolution, or we could craft one  
19 that fits this. You don't have to do it right now. I  
20 understand we can take that Resolution, craft it based on  
21 what you tell us, and we'll make the Resolution. So it  
22 would be similar to 2005-78, the basis, the first version  
23 we had.

24 CHAIRPERSON MARIN: Does everybody remember that?

25 DEPUTY DIRECTOR WOHL: And it's in your

1 attachment. That's Attachment 2, I believe.

2 CHAIRPERSON MARIN: Attachment 3 was the one that  
3 contains what we actually passed; correct?

4 DEPUTY DIRECTOR WOHL: Attachment 2 from this,  
5 Attachment 3 from Agenda Item 23.

6 CHIEF COUNSEL CARTER: Excuse me, Madam Chair.  
7 We think an easier way to do this is to just direct staff  
8 to prepare a new Resolution capturing what you're  
9 directing today. And we can provide the additional  
10 whereases that were addressed in the previous Resolution.  
11 And Mr. Leary, as part of his process for reviewing and  
12 adopting Resolutions after your actions, can review those.  
13 And in they are appropriate, then he can sign on the  
14 Board's behalf.

15 CHAIRPERSON MARIN: That has been done before?

16 CHIEF COUNSEL CARTER: Yes.

17 CHAIRPERSON MARIN: So it's a standard practice?

18 CHIEF COUNSEL CARTER: Yes.

19 CHAIRPERSON MARIN: I don't want to be accused of  
20 doing things we've never done before in haste.

21 CHIEF COUNSEL CARTER: No. That would be fine.

22 DEPUTY DIRECTOR WOHL: But we need to adopt that  
23 Resolution then; is that correct?

24 CHAIRPERSON MARIN: Mr. Washington, you wanted to  
25 make a comment.

1           BOARD MEMBER WASHINGTON: I was just looking at  
2 Scott Smithline. It seems he's shaking his head no, we  
3 need to get this out of the way so we don't have to come  
4 back and deal with this again.

5           MR. SMITHLINE: Thank you, Board Member  
6 Washington.

7           I must say that I'm a little concerned about the  
8 idea of revising a report and then not having it up for  
9 public review. You know, we've all been through a very  
10 long process here, and there's been a lot of different  
11 interpretations of what AB 2770 requires.

12           I'm partially comfortable at least with the  
13 language that we're using about what the report will say.  
14 But until I see it in print, I'm hesitant to have a  
15 process where it doesn't come out for review.

16           BOARD MEMBER WASHINGTON: Okay.

17           CHAIRPERSON MARIN: Okay. I should not share how  
18 I feel right now. I think I'm going to laugh. I want to  
19 go to Disneyland again. Can I go to Disneyland again?

20           Okay. You know, it's one of those difficult  
21 situations in that one of our processes that we always  
22 follow is where we bring things back for public  
23 consideration and so forth. So there is this desire to  
24 move this forward when all of the corrective actions that  
25 were very clearly made by the Legislature.

1           On the other hand, we have a process for which we  
2 are very well known, in that our public input process is  
3 one of the things that really has highlighted this effort.  
4 So it seems to me that we need to bring this back at the  
5 next Board meeting then.

6           Mr. Smithline, you wanted to add something else?

7           MR. SMITHLINE: You know, I appreciate very much  
8 everything that's happening here. And if it would please  
9 the Board, I could make known my specific concerns at this  
10 time what I think what might be a concern to me, if that's  
11 a better process. And then perhaps we could alleviate my  
12 concern about it coming back for public review. If that's  
13 easier or if that pleases the Board, I'd be happy to do  
14 that.

15           CHAIRPERSON MARIN: What's the pleasure of the  
16 Board?

17           BOARD MEMBER MULÉ: Or if staff could work with  
18 you in incorporating your concern to -- and include that  
19 in the report.

20           CHAIRPERSON MARIN: Okay. Mr. Washington wants  
21 it back.

22           Ms. Peace.

23           BOARD MEMBER PEACE: I think if we're going to  
24 have some public review, it should be with everybody, not  
25 just Californians Against Waste. They're not the only



1 stakeholder here.

2 CHAIRPERSON MARIN: They're not? Even L.A.

3 County also has to say something?

4 Okay. Then let's -- I think that it will be  
5 cleaner if we just bring it back.

6 And then so, Marie, do we need to approve a  
7 Resolution now, or with the instructions you will bring  
8 back a clean Resolution for us?

9 CHIEF COUNSEL CARTER: Yes.

10 CHAIRPERSON MARIN: Okay. So next item. We got  
11 that done.

12 CHAIRPERSON MARIN: Patty.

13 DEPUTY DIRECTOR WOHL: I just want to clarify.  
14 For us, that would be June, because May is already -- the  
15 items are already in and everything for May.

16 CHAIRPERSON MARIN: We need to bring it back in  
17 May. I'm sorry, Patty. You're going to have to work  
18 overtime, you and your staff. Sorry, Fernando. Okay.

19 All right. Your next item.

20 BOARD MEMBER PEACE: When we bring back the  
21 report in June, could we also bring back some sort of a  
22 letter of all the recommendations that we pulled out and  
23 anything else that we feel is appropriate to also go ahead  
24 and approve and send over separately but simultaneously  
25 with the report.

1 CHAIRPERSON MARIN: Okay. Everybody wants to see  
2 that also presented to the Board also in May. Or you want  
3 to do that in June. I'm kidding.

4 BOARD MEMBER PEACE: I thought you said you  
5 couldn't do that in May.

6 BOARD MEMBER MULÉ: No, we are.

7 CHAIRPERSON MARIN: No. We are going to be doing  
8 it in May.

9 BOARD MEMBER PEACE: Okay. That's fine. If you  
10 want.

11 CHAIRPERSON MARIN: No. If you want to, we can  
12 bring that in June.

13 BOARD MEMBER PEACE: No. In May, at the same  
14 time.

15 BOARD MEMBER MULÉ: And then, Madam Chair, we  
16 would review that and decide whether or not we want to  
17 include that as an addendum; correct?

18 BOARD MEMBER PEACE: A separate.

19 BOARD MEMBER MULÉ: Okay. Thank you.

20 CHAIRPERSON MARIN: Okay. I think that does it.

21 BOARD MEMBER WASHINGTON: And they know we're  
22 down in Anaheim with this one?

23 CHAIRPERSON MARIN: That's right. We're going to  
24 be in Anaheim.

25 BOARD MEMBER WASHINGTON: See you in Anaheim,

1 Scott.

2 CHAIRPERSON MARIN: Okay. I want to thank  
3 everybody involved in this effort. This has been a very  
4 significant effort as we move forward. And we will do the  
5 very best that we can.

6 I'm sorry, Mr. Leary, but your staff is going to  
7 have to work overtime on this one.

8 EXECUTIVE DIRECTOR LEARY: I'll offer my salary  
9 to compensate for their overtime expenses.

10 CHAIRPERSON MARIN: Okay.

11 BOARD MEMBER WASHINGTON: Madam Chair, let me  
12 thank you. Really, in times like these are very difficult  
13 situations, and I really want to applaud you in your  
14 efforts to make sure -- because the emphasis is to give  
15 them what they want. As a former Legislator, you can send  
16 me a binder with a thousand things in it. All I'm going  
17 to do is find out what I want to know, and the rest is  
18 going to go -- not in the trash. They don't throw stuff  
19 away in the Legislature, but we put it in the recycle bin.  
20 Exactly.

21 But I do want to applaud you to try to do  
22 everything you can. And I really appreciate it, because I  
23 was being practical in my speaking, because we don't have  
24 any conversion technology to go from. And your response  
25 was absolutely great. We want to give them whatever we

1 can. We want to go to whatever extent possible to make it  
2 work for the Legislature, because they've given us that  
3 requirement to do it for them.

4 And I do appreciate your efforts in this, as well  
5 as staff and Patty and Fernando. And you guys are  
6 absolutely wonderful, Julie, and the rest of you guys. We  
7 really do appreciate it. And I know it's going to be  
8 tough getting this thing together for May, but me knowing  
9 you guys, you'll do it. It's tough, but you'll get it  
10 done for us.

11 Thank you, Madam Chair and staff, for doing a  
12 great job.

13 CHAIRPERSON MARIN: Thank you very much. We have  
14 one more item in closed -- actually, Marie, we need the  
15 justification for going to closed session.

16 CHIEF COUNSEL CARTER: Yes. We'll be going to  
17 closed session under Government Code Section 11126(e).

18 CHAIRPERSON MARIN: Thank you.

19 Okay. The Board will be adjourned at the time  
20 that we end the closed session. But no one really has to  
21 stay for that. Thank you very much, and we'll see you all  
22 in Anaheim at the next Board meeting. Thank you.

23 (Thereupon the California Integrated Waste  
24 Management Board, Board of Administration  
25 recessed into closed session at 4:10 p.m.)

1           (Thereupon the California Integrated Waste  
2           Management Board, Board of Administration  
3           adjourned at 5:30 p.m.)

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 3rd day of May, 2004.

15

16

17

18

19

20

21

22

23 TIFFANY C. KRAFT, CSR, RPR  
24 Certified Shorthand Reporter  
25 License No. 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

□